

**2004**

**JOINT SELECT  
COMMITTEE ON  
MILITARY AFFAIRS**

**MINUTES**



# ***Joint Select Committee on Military Affairs***

## **Committee Membership & Staff Contact Information**

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### **Committee Chairs**

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## ***Joint Select Committee on Military Affairs***

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#### **Committee Clerk**

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# North Carolina General Assembly

State Legislative Building, Raleigh, N.C., 27601-1096

**Marc Basnight**  
President Pro Tem

**James B. Black**  
Speaker

**Richard T. Morgan**  
Speaker

## JOINT SELECT COMMITTEE ON MILITARY AFFAIRS

**Section 1.** The Joint Select Committee on Military Affairs is established by the President Pro Tempore of the Senate and the Speakers of the House of Representatives pursuant to G.S. 120-19.6, Rule 31 of the Rules of the Senate of the 2003 General Assembly, and Rule 26(a) of the Rules of the House of Representatives of the 2003 General Assembly. The Senate Select Committee on Military Affairs established and appointed by the President Pro Tempore of the Senate on March 11, 2003 is merged into the Joint Select Committee. The members of the Senate Select Committee are appointed to the Joint Committee, as set out in Section 2 of this authorization, for the terms provided in this authorization.

**Section 2.** The Committee consists of the twenty members listed below, ten of whom are appointed by the President Pro Tempore of the Senate and ten of whom are appointed by the Speakers of the House of Representatives. Members serve at the pleasure of the appointing officer.

Sen. Cecil S. Hargett, Jr., Co-Chair  
Sen. Patrick J. Ballantine  
Sen. John H. Carrington  
Sen. Charlie Smith Dannelly  
Sen. Katie G. Dorsett  
Sen. James Forrester  
Sen. John H. Kerr, III  
Sen. Tony Rand  
Sen. R. B. Sloan, Jr.  
Sen. Scott Thomas

Rep. Ronnie N. Sutton, Co-Chair  
Rep. Keith P. Williams, Co-Chair  
Rep. Lorene T. Coates  
Rep. Michael A. Gorman  
Rep. Robert Grady  
Rep. Charles E. Johnson  
Rep. David R. Lewis  
Rep. Marvin W. Lucas.  
Rep. Louis M. Pate, Jr  
Rep. Alex Warner

**Section 3.** The Committee shall study the State's relationship with the military. In undertaking this study, the Committee shall consider the following:

- (a) How to create and maintain an environment that is conducive to the location of military personnel and installations in this State.

(b) How to control residential and urban development encroachment on military bases and training areas, including:

- (1) Restricting the zoning in the areas around military bases and training areas.
- (2) How encroachment affects deed registration.
- (3) Protecting the areas around military bases and training areas by purchasing development rights and buffers using all available State trust funds and other available funding mechanisms.

**Section 4.** The Committee may report on the results of its study, including any proposed legislation, to the members of the Senate and the House of Representatives, on or before the convening of the 2004 Regular Session of the 2003 General Assembly by filing a copy of the report with the President Pro Tempore's office, the Speakers' offices, and the Legislative Library. The Committee shall report on the results of its study, including any proposed legislation, to the members of the Senate and the House of Representatives, on or before the convening of the 2005 General Assembly by filing a copy of the report with the President Pro Tempore's office, the Speakers' offices, and the Legislative Library. The Committee terminates upon the convening of the 2005 General Assembly, or upon the filing of its final report, whichever occurs first.

**Section 5.** The Committee may meet during the interim period between regular sessions upon the call of the House and Senate co-chairs.

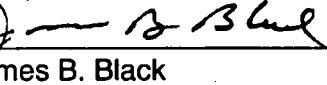
**Section 6.** The Committee is vested with the authority contained in Article 5A of Chapter 120 of the General Statutes.

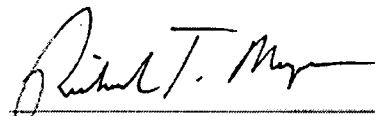
**Section 7.** Members of the Committee shall receive per diem, subsistence, and travel allowance at the rate established in G.S. 120-3.1.

**Section 8.** The expenses of the Committee are considered expenses incurred for the joint operation of the General Assembly. Individual expenses of \$5,000 or less, including per diem, travel, and subsistence expenses of members of the Committee, and clerical expenses shall be paid upon the authorization of a co-chair of the Committee. Individual expenses in excess of \$5,000 shall be paid upon the written approval of the President Pro Tempore of the Senate and the Speakers of the House of Representatives. All expenses of the Committee shall be paid from the Legislative Services Commission's Reserve for Studies.

Effective this 12th day of November, 2003.

  
Marc Basnight  
President Pro Tempore

  
James B. Black  
Speaker

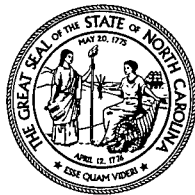
  
Richard T. Morgan  
Speaker

**Committee: Joint Select Committee on Military Affairs**

2004

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NORTH CAROLINA GENERAL ASSEMBLY  
STATE LEGISLATIVE BUILDING  
RALEIGH 27603



February 4, 2004

## CHANGE IN MEETING DATE AND TIME

**TO:** Members, Joint Select Committee on Military Affairs

**FROM:** Senator Cecil Hargett, Jr., Co-Chair  
Representative Ronnie Sutton, Co-Chair  
Representative Keith Williams, Co-Chair

**SUBJECT:** Committee Meeting Notice

There will be a meeting of the Joint Select Committee on Military Affairs:

DAY: ~~Wednesday~~ THURSDAY  
DATE: ~~February 18, 2004~~ FEBRUARY 19, 2004  
TIME: ~~10:00 AM~~ 1:30 PM  
LOCATION: Room 1027, Legislative Building

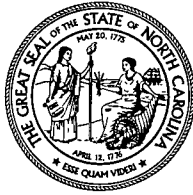
Please advise Martha Hoover, Committee Assistant, at 715-3009, or e-mail [williamskla@ncleg.net](mailto:williamskla@ncleg.net) if you will be unable to attend.

Posted: 04-Feb-04

cc: Committee Record   x    
Interested Parties   x  



NORTH CAROLINA GENERAL ASSEMBLY  
STATE LEGISLATIVE BUILDING  
RALEIGH 27603



February 2, 2004

**MEMORANDUM**

**TO:** Members, Joint Select Committee on Military Affairs

**FROM:** Senator Cecil Hargett, Jr., Co-Chair  
Representative Ronnie Sutton, Co-Chair  
Representative Keith Williams, Co-Chair

**SUBJECT:** Committee Meeting Notice

There will be a meeting of the Joint Select Committee on Military Affairs:

DAY: Wednesday  
DATE: February 18, 2004  
TIME: 10:00 AM  
LOCATION: Room 1027, Legislative Building

Please advise Martha Hoover, Committee Assistant, at 715-3009, or e-mail [williamskla@ncleg.net](mailto:williamskla@ncleg.net) if you will be unable to attend.

Posted: 02-Feb-04

cc: Committee x  
Record  
Interested Parties x





## **Joint Select Committee on Military Affairs**

### **Minutes**

**February 19, 2004**

The Joint Select Committee on Military Affairs held its first meeting on Thursday, February 19, 2004, at 1:30 p.m. in Room 1027 of the Legislative Building. The following members were present: the Co-Chairs: Senator Cecil Hargett, Jr., Representative Ronnie Sutton, and Representative Keith Williams; Senator Katie Dorsett; and Representatives Lorene Coates, Robert Grady, Charles Johnson, David Lewis, Marvin Lucas, Louis Pate, Jr., and Alex Warner.

Presiding Chair Hargett called the meeting to order at 11:40 a.m. and introduced the other Co-Chairs, Representatives Sutton and Williams. After the members introduced themselves, the Chairman then welcomed the staff and guests.

As the first order of business, Chairman Hargett reviewed the legislation authorizing the Joint Select Committee. He discussed the purpose of the Committee and reviewed the charges given to the members. (Attachment 2)

#### **Presentation by Ms. Leigh Harvey McNairy**

After announcing a change in the order of the speakers on the agenda, Chairman Hargett introduced Ms. Leigh McNairy, Special Assistant for Military Affairs, Office of the Lieutenant Governor. In her presentation regarding the potential impact of the upcoming Base Realignment and Closure (BRAC), Ms. McNairy noted that Donald Rumsfeld, Secretary of Defense, has stated that he will cut 25% of the current capacity and that this BRAC will equal or exceed all previous BRACs. Ms. McNairy also said that prior BRACs were carried out within the individual branches of the military, whereas this one will be on a joint basis. Ms. McNairy noted that although the military impacts some counties more directly than others, the \$18.1B added to our economy has a major effect statewide. In summary, she commented that her job is to be a connection with all points working the issues. She stated that our individual bases are strong and reiterated the goal of "jointness."

Chairman Hargett thanked Ms. McNairy for her presentation and reminded the members that the authorizing legislation states that the Committee *may* make recommendations in 2004, and *must* by 2005.

### **Presentation by Mr. Troy Pate**

Chairman Hargett then introduced Mr. Troy Pate, Co-Chair of the Governor's Advisory Commission on Military Affairs, who spoke about the background of the Commission, its purpose and recent activities, and its recommendations. The full text of Mr. Pate's address is included in a document titled "Remarks," which is attached to these minutes. (Attachment 3)

### **Presentation by Mr. Paul Meyer**

Following Mr. Pate's address, Chairman Hargett introduced Mr. Paul Meyer, Assistant General Counsel for the North Carolina Association of County Commissioners. Mr. Meyer provided copies of a report (Attachment 4) from the Local Government Military Base Advisory Committee, which is composed of officials from municipalities and counties near the existing federal military installations in the State. In his opening remarks, Mr. Meyer reviewed the purpose of the group and the process it followed in developing its recommendations. He noted that the use of "require" in the section regarding land use compatibility issues was meant to ensure that mandates are in place, while leaving the details of solving encroachment to the local areas. Mr. Meyer also discussed the request for legislation in the Commission's fourth recommendation.

At the conclusion of Mr. Meyer's presentation, the Chair opened the floor for questions and comments. Several members commented on the recommendation that county and municipal governments be "required" to take certain actions, noting that local officials have generally opposed mandates from the State. At Representative Grady's request, Mr. Meyer agreed to ask the affected counties to approve a resolution expressing support for such legislation. There was also some discussion regarding the list of Commission members and a request to include local elected officials.

### **Presentations by County and Municipal Officials**

The next speakers on the agenda were officials from five local governments near the existing military bases:

Mr. Atlas Price, Jr., Wayne County Commissioner  
Mr. Chuck Allen, Mayor Pro-Tem, Goldsboro  
Mr. Jack Bright, Onslow County Commissioner  
Mr. Jimmie Sanders, Mayor Pro-Tem, Town of Havelock  
Mr. Breeden Blackwell, Cumberland County Commissioner

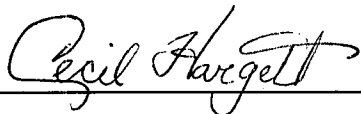
All the officials emphasized the importance of the bases to their localities, including the number of both direct and indirect jobs associated with the installations. They commented on the degree to which the military is an integral part of their communities and described an extensive array of initiatives underway to ensure that they maintain positive relationships. Several of the speakers talked about the lessons they learned from the deployments for Desert Storm and the programs they now have in place to support spouses and families.

Mr. Price also spoke about his experience with base closure when Seymour Johnson AFB was closed between 1946 and 1956. He stated that the economic impact would be even more severe now, with North Carolina having lost much of its tobacco, textile, and furniture

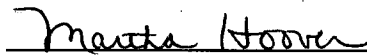
industries. In his presentation, Mr. Allen mentioned several areas in which the General Assembly could help – encroachment prevention, protection of low-level flying areas, and appointments to the Governor's Commission. Representing Onslow County, Mr. Bright stated that his area faces some issues that are different from the other localities because oceanfront property is involved. He noted that Camp Lejeune has forty percent of the land base in the county. Mr. Sanders highlighted the importance of Cherry Point to the four-county area and listed a number of challenges – land use, long-range planning, number of young people who do not generate revenue but need services, opportunities for spousal employment, and swings in sales that discourage retail establishments. To emphasize the economic importance of Fort Bragg to the surrounding communities, Mr. Blackwell stated that the impact of a brigade leaving would be equivalent to losing their largest private employer.

At this point in the meeting, Chairman Hargett recognized the military guests who were present and then opened the floor for discussion. Representative Pate asked that staff provide a number of items for the next meeting – maps of Military Operating Areas, bombing fields, low-level flight paths, landing fields, and proposed landing fields. He also requested that the Committee discuss OLF. Representative Sutton asked for information on known opposition, if there is an organized effort. Senator Dorsett and Representative Lewis asked to hear about what other states are doing.

As there was no further business before the Committee, Chairman Hargett adjourned the meeting at approximately 3:35 p.m.



Senator Cecil Hargett, Jr.  
Presiding Co-Chair



Martha Hoover, Clerk

Representative Ronnie Sutton, Co-Chair  
Representative Keith Williams, Co-Chair

#### Attachments

1. Agenda
2. Authorizing Legislation: Joint Select Committee on Military Affairs
3. Remarks: Troy Pate, Co-Chair of the NC Advisory Commission on Military Affairs
4. North Carolina Local Government Military Base Advisory Committee Report, from the North Carolina Association of County Commissioners and the North Carolina League of Municipalities



## **JOINT SELECT COMMITTEE ON MILITARY AFFAIRS**

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### **AGENDA**

February 19, 2004  
Room 1027, Legislative Building  
1:30 pm

### **WELCOME AND INTRODUCTION**

Senator Cecil Hargett, Co-Chair  
Representative Keith P. Williams, Co-Chair  
Representative Ronnie Sutton, Co-Chair

- **Statement of Purpose – Senator Cecil Hargett, Co-Chair**
- **Presentation by the Governor's Advisory Commission on Military Affairs -- Mr. Troy Pate, Chair**
- **Presentation by Leigh Harvey McNairy, Special Assistant for Military Affairs, Office of the Lieutenant Governor**
- **Presentation by the League of Municipalities and County Commissioners Association – Paul Meyer, NCACC**
- **Presentation by County and Municipal Officials**

Atlas Price - Wayne County Commissioner  
Chuck Allen - Goldsboro City Council Member  
Jack Bright - Onslow County Commissioner  
Jimmie Sanders - Town of Havelock Commissioner  
Breedon Blackwell - Cumberland County Commissioner

### **Committee Discussion**

### **Instructions to Staff**

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## **Remarks**

**Troy Pate, Co-Chair of the NC Advisory Commission on Military  
Affairs**

**to the Joint Select Committee on Military Affairs**

**Thursday, February 19, 2004**

**Room 1027/1028 Legislative Building**

To the co-chairmen and all the members here today--- I want to thank you for inviting me to speak to you this afternoon and provide some background on the Commission, our purpose, recent activities and recommendations as we seek to assist the Governor and his administration and the Legislature in making North Carolina a military friendly state and preserving the many jobs generated by the military sector in North Carolina.

First of all, we thank you for creating this Joint Select Committee on Military Affairs. We also thank you for creating in statute our Advisory Commission and for providing for the first time in the last state budget funding (\$150,000) in support of the Commission as well as the authority to use some contingency and emergency funds during of the BRAC process

These are very important steps and send a positive message to our citizens, our communities and to the military that we recognize the importance of our military in defending the freedoms of our nation and we also appreciate the tremendous economic contributions it provides for our citizens and communities.

Let me begin by briefly describing the Advisory Commission's purpose, responsibilities and duties and then tell you where we are today.

The Commission was created to advise the Governor and the Secretary of Commerce on protecting the existing military infrastructure in NC and to promote new military missions and economic opportunities for the state and its citizens.

We advise on strengthening the state's relationship with the military to protect our installations from DOD budget cuts or downsizing through providing sound infrastructure, affordable housing, affordable quality education, and other quality of life issues for our military members.

As a part of its efforts, the Advisory Commission is directed to do a SWOT (Strengths, Weaknesses, Opportunities and Threats) Analysis; a comprehensive economic impact analysis; and a strategic plan.

I am pleased to say that we have completed the SWOT and the Economic Impact Analysis and this past week received the report on the strategic plan which we will act on at our next Commission meeting. We have had tremendous staff support of the Governor's office, Commerce Department and the National Guard. We were able to visit all the bases and establish a working relationship; sponsor the first state conference on encroachment last year, and with the Governor and Lt Governor's leadership, co-sponsor with

the State Economic Development Board a Military Summit in November. Our military communities each have their own working partnerships with our military installations.

We are making great strides and will continue. However, we must do more.

NC and all other states are in the midst of the federal BRAC process (Base Realignment and Closure). It is the intention of that process to reduce the base infrastructure capacity nationally by about 20-25%.<sup>\*</sup> The schedule is Congressionally mandated and the criteria on which bases will be judged have been published.

*\* THIS IS  
MORE THAN  
THE PAST  
3 BRACS  
COMBINED*

The criteria are brief. There are 4 criteria that define the "military value" of a base and they are to be given priority.

In these criteria the ability of the military to do their training (which requires suitable land and climate, airspace), and their readiness ability (which may demand the roads, rail, ports and airports and airways meet their needs for quick departure and return) are critical in the process as the bases are to be evaluated. Also, the ability for all branches of the military to jointly use bases will be a strong factor in how they measure up.

4 other criteria are to be considered in the process but will carry less weight. They deal with issues such as the economic impact on the existing base communities and ability of communities' infrastructure to support the bases and the environmental impact.

It is clear from review that there are some factors that states and communities can affect and we feel it is vital to put NC in the best position to maintain and even expand the position of our bases.

It is a huge economic issue for NC. Our Economic Impact Analysis indicates the military sector contributes \$18.1 billion or (5.91%) of the state's total goods and services. Every base is a huge economic engine, but just one example is the almost 4000 civilian jobs at the NAVAIR facility on Cherry Point in Havelock where they have an average salary of \$49,000. It is the largest industrial employer east of I-95.

And the timing is very important. Under the published BRAC schedule it is what we have done already and what we put into place this year (I stress THIS YEAR) that can make a difference in how our military installations measure up. The official data that goes into the decision making process is already being requested within the military structure. Decisions and action taken next year will be too late.

And we cannot count on the political system to influence the process. In the past BRAC processes 85% of those facilities that were on the DOD recommended list for realignment or closure remained <sup>AND</sup> were indeed realigned or closed. This time the process is even more restricted as Congress cannot remove or add to the list. It will be an up

or down vote on the entire list that is sent to Congress by the President.

NC has been successful in the past BRAC's and we want to this time. We appreciate the Legislature, the Governor and the Lt. Governor making BRAC a priority.

The Advisory Commission has identified the critical issue of encroachment as one where we feel additional action is needed.

Our local communities are addressing their specific encroachment issues at various stages. They are taking steps through a voluntary joint land use planning process with their bases and in some cases they are putting into place the recommendations.

The Advisory Commission has also identified several possible steps at the state level for consideration:

- require local governments to delineate "base preservation" zones around the bases that are subject to high noise and accident potential
- require real estate disclosure statements in high noise areas
- require local land use plans around bases
- require sound attenuation building techniques
- limit state infrastructure investment for incompatible uses within zones around the bases

- acquire critical property within the zones.
- The Commission has also recommended that a portion of the state gasoline tax paid on bases be retained for bases in support of quality of life programs and services for the military members. The other portion could be retained for support of a trust fund to purchase critical lands around the military bases, protecting them from encroachment.

We have also considered recommendations that address concerns beyond the encroachment issue:

- support a small amount of matching funds to the Procurement Technical Assistance Center (a part of the Small Business and Technology Development Center). This would allow them to draw down additional available federal funding.
- recommend that non-state resident members of the NC National Guard and other reserve components attending NC state universities be eligible for in-state tuition, treating them similar to members of the active component.
- recommend expansion of efforts to increase job opportunities for military spouses, including state hiring priority. This will help keep them in-state when their spouse is deployed.

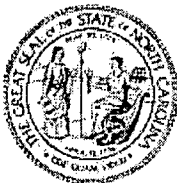
I want to say a word of thanks for the interest and leadership of the NC League of Municipalities and the NC Association of County Commissioners. They have really taken an interest in this issue and the importance of the military in their communities and have some good suggestions regarding our initial recommendations for state action.

The NC Realtors and NC Homebuilders have also attended our meetings and we appreciate their interest in the military sector as well.

The legislature has a strong record of supporting our military and with some further action we believe that NC will do very well under the latest BRAC and enhance the \$18.1 billion sector of our economy.

We look forward to assisting you in any way.

~~TUITION  
GAS TAX  
JOB OPPORTUNITIES~~



# North Carolina General Assembly

State Legislative Building, Raleigh, N.C., 27601-1096

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**Marc Basnight**  
**President Pro Tem**

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**James B. Black**  
**Speaker**

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**Richard T. Morgan**  
**Speaker**

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## JOINT SELECT COMMITTEE ON MILITARY AFFAIRS

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- (a) How to create and maintain an environment that is conducive to the location of military personnel and installations in this State.

(b) How to control residential and urban development encroachment on military bases and training areas, including:

- (1) Restricting the zoning in the areas around military bases and training areas.
- (2) How encroachment affects deed registration.
- (3) Protecting the areas around military bases and training areas by purchasing development rights and buffers using all available State trust funds and other available funding mechanisms.

**Section 4.** The Committee may report on the results of its study, including any proposed legislation, to the members of the Senate and the House of Representatives, on or before the convening of the 2004 Regular Session of the 2003 General Assembly by filing a copy of the report with the President Pro Tempore's office, the Speakers' offices, and the Legislative Library. The Committee shall report on the results of its study, including any proposed legislation, to the members of the Senate and the House of Representatives, on or before the convening of the 2005 General Assembly by filing a copy of the report with the President Pro Tempore's office, the Speakers' offices, and the Legislative Library. The Committee terminates upon the convening of the 2005 General Assembly, or upon the filing of its final report, whichever occurs first.

**Section 5.** The Committee may meet during the interim period between regular sessions upon the call of the House and Senate co-chairs.

**Section 6.** The Committee is vested with the authority contained in Article 5A of Chapter 120 of the General Statutes.

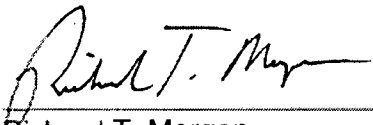
**Section 7.** Members of the Committee shall receive per diem, subsistence, and travel allowance at the rate established in G.S. 120-3.1.

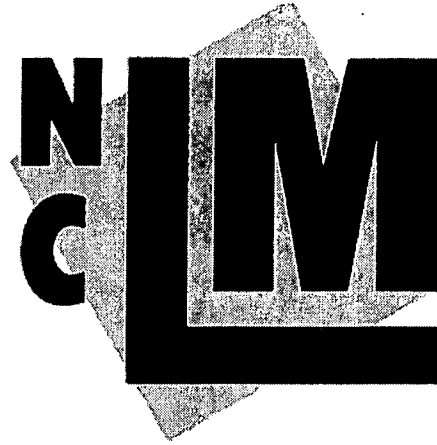
**Section 8.** The expenses of the Committee are considered expenses incurred for the joint operation of the General Assembly. Individual expenses of \$5,000 or less, including per diem, travel, and subsistence expenses of members of the Committee, and clerical expenses shall be paid upon the authorization of a co-chair of the Committee. Individual expenses in excess of \$5,000 shall be paid upon the written approval of the President Pro Tempore of the Senate and the Speakers of the House of Representatives. All expenses of the Committee shall be paid from the Legislative Services Commission's Reserve for Studies.

Effective this 12th day of November, 2003.

  
Marc Basnight  
President Pro Tempore

  
James B. Black  
Speaker

  
Richard T. Morgan  
Speaker



# North Carolina Local Government Military Base Advisory Committee Report

November 20, 2003



North Carolina Association  
of County Commissioners

North Carolina League of  
Municipalities



November 20, 2003

Mr. Noah Woods, President  
NC Association of County Commissioners  
PO Box 1488  
Raleigh, NC 27602-1488

Mr. L. Stewart Rumley, President  
NC League of Municipalities  
PO Box 3069  
Raleigh, NC 27602-3069

**SUBJECT: LOCAL GOVERNMENT MILITARY BASE ADVISORY COMMITTEE  
RECOMMENDATIONS**

Dear President Woods & President Rumley:

It is our pleasure to forward to the Boards of Directors of the North Carolina Association of County Commissioners and the North Carolina League of Municipalities the report and recommendations from your Local Government Military Base Advisory Committee (LGMBAC). As you know, the LGMBAC is composed of elected and appointed officials from municipalities and counties near the existing federal military installations in North Carolina. This committee was charged with the responsibility of developing policy recommendations for your consideration in anticipation of Base Relocation and Closure (BRAC) legislation being introduced during the 2004 session of the North Carolina General Assembly.

The committee focused its attention on the six (6) legislative recommendations from the North Carolina Commission on Military Affairs (See Report Appendix B). Most, if not all, of the six recommendations may impact municipal and county government's self determination related to planning, development and infrastructure issues.

Over the next two years the federal government will embark on the next BRAC process. North Carolina greatly benefits from the many military installations located here. We, as local government representatives, value our relationships with the different branches of the military and look forward to a prosperous future. However, local governments and the State of North Carolina must be proactive, especially in anticipation of BRAC. Cooperation is essential to continue to grow these economic engines, which are vitally important to many regions of our great state. In the spirit of partnership, we submit the attached recommendations for your review and consideration to adopt as policy for both organizations.

On behalf of all the members of the Local Government Military Base Advisory Committee, we appreciate the opportunity to be involved in an issue of such importance to our state and local communities.

Respectfully submitted,

Atlas Price, Jr., Co-Chair, LGMBAC  
Wayne County Commissioner

Donald E. Beaver, Co-Chair, LGMBAC  
Havelock City Commissioner

Report Attached

## Preface

The Local Government Military Base Advisory Commission (LGMBAC) was jointly formed by the North Carolina Association of County Commissioners (NCACC) and the North Carolina League of Municipalities (NCLM) during the Summer of 2003 in order to assist its respective organizations develop policy concerning military bases in North Carolina. One aspect of this effort was an analysis of the proposals of the North Carolina Commission on Military Affairs (the Commission) related to Base Realignment and Closure (BRAC), which significantly impacts local government self-determination and authority over land use controls (see Appendix B: Recommendations from the North Carolina Commission on Military Affairs). Consistent with the long tradition of partnership between local and state governments in North Carolina, the goal and purpose of LGMBAC was to be both proactive and positive in highlighting how counties and municipalities can best work to enhance the military's presence in North Carolina. Accordingly, recommendations were developed by a geographically and politically diverse group of local officials.

Consisting of two members from each impacted local government, LGMBAC met four times during its lifespan, ultimately presenting policy recommendations to the NCACC and NCLM Boards of Directors (see Appendix A for meeting dates and membership). At the meetings, local government officials heard presentations by the Department of Defense, State Department of Commerce, the Commission, Governor Easley's Washington Office, and East Carolina University's Regional Development Institute. The officials discussed what type of relationships would be most beneficial for all parties in grappling with BRAC. In developing final policy recommendations, the Committee balanced the needs and wants of a diverse set of communities in determining how they thought local governments should respond to BRAC. Much of the debate during the meetings centered on the reality that a one-size-fits-all program is not reasonable in preparing North Carolina local governments and citizens for BRAC.

Allowing local flexibility is the best way to assure solid decision making that improves quality of life to the greatest extent possible for citizens. This concept runs consistently through the policy making processes of the NCACC and NCLM. Accordingly, both the NCACC and NCLM are each governed by respective sets of policy statements, developed and approved by the memberships, covering a broad range of substantive issues. These policy statements establish a framework for determining official positions on issues, and they serve as the foundation of both the NCACC and NCLM intergovernmental philosophies and outlook of their respective members. NCACC and NCLM lobbying efforts stray from these guiding principles when, and only when, there is a significant overriding policy interest at stake. Issues related to BRAC and military bases in North Carolina cut across many of these policy statements, but neither organization has at its disposal, a policy statement on military bases. Some of the recommendations contained in this document depart from existing NCACC and NCLM policies due to the vital nature of BRAC 2005 to the state as a whole.

North Carolina local governments recognize the need for a strong military presence in the state, and value the rich history that the military has brought to eastern North Carolina. The interest of both state and local governments in preserving these relationships is so strong, that the NCACC and NCLM Boards have chosen to set aside these guideposts as a sacrifice for the greater good in order to maintain, and perhaps even expand the military presence in North Carolina. Local

governments understand the economic and societal value these military installations bring to many regions of North Carolina.

In such a light, it is the hope of the North Carolina Association of County Commissioners and North Carolina League of Municipalities that this document will aid in guiding the Commission, and other interested groups and individuals working on BRAC related issues, to understand the views of local elected officials, and the citizens that elect them. The partnership that exists between local and state governments in North Carolina requires that these concepts be blended with state policy goals to generate the best possible result for the citizens of North Carolina. It is our hope that this document renews and invigorates the ongoing dialogue between the various levels of government and branches of the military, recognizing that these dynamic relationships are valuable for the future growth of North Carolina.

Draft

## Recommendations

The LGMBAC was charged with developing policy recommendations related to the 2005 BRAC process. Items one through four below encompass the specific recommendations of the Local Government Military Base Advisory Committee. These recommendations were developed to enhance the six recommendations submitted by the North Carolina Commission on Military Affairs as stated in the letter signed by Commission Co-Chair Troy Pate dated March 25, 2003. Appendix B contains a copy of the Commission's letter.

The Commission's six recommendations have been categorized below in items one through three. Item four contains several needs of local government to adequately address many of the growth and development issues associated with military bases. The specific recommendations are in **bold** and clarifying information follows.

1. **Land Use Compatibility Issues:** Compatible land uses adjacent to and near military bases are essential for the long-term viability of the bases. Land use planning is a primary function of local government and working in partnership with the military, individual local governments are in the best position to balance the specific needs of the base and the surrounding community – "a one size fits all" solution will not work. The relative importance of 2005 BRAC justifies a departure from existing NCACC and NCLM policy as reflected in items a. and b. below.

**For purposes of this report, "military impact areas" consist of properties outside of the borders of a military base, that are affected by military operations, including high noise levels, increased accident potential, environmentally sensitive lands, and other relevant factors.**

- a. **After consulting with the military, require local governments to identify military impact areas that are subject to high noise levels, accident potential and other relevant factors as determined by an impacted local government.** Cooperation and information sharing between the military base and local governments is essential for making appropriate land use decisions. In working with the military, local governments will be made aware of the cause of the specific impact.
- b. **Require local governments to develop and implement land use plans that reflect local conditions related to military impact areas. The state shall commit funds for developing these local plans.** In order to properly protect the military impact areas, plans must be developed and implemented. Additional financial and technical assistance from the state is essential to completing these local area plans in a timely manner.
- c. **The state shall establish and appropriate funds for a Military Impact Area Protection Trust Fund.** From time to time, certain lands are identified as being critical for protection on behalf of the public interest. The state should establish a trust fund used to acquire these critical properties either by fee simple or development rights when the properties become available. Local governments should have a role in identifying these properties consistent with local land use plans.

- d. **Infrastructure needs within military impact areas should be determined by the development of land use plans.** The local land use plans developed for the military impact areas will identify appropriate land uses for these areas, as well as needed supporting infrastructure. Local governments should not be penalized when applying for state and federal grant funds for infrastructure expansions in military impact areas consistent with local area plans.
2. **Sound Attenuation:** Activities on military bases often generate noise that travels well beyond the base boundaries. Employing sound attenuation building techniques will help minimize noise impacts on properties in military impact areas.

**Support recommendation #4 of the Advisory Commission on Military Affairs that reads – “Require sound attenuation building techniques for new dwellings (including manufactured housing), schools, and churches in high-noise areas.” – by requiring sound attenuation building techniques for new construction in military impact areas by amending the North Carolina State Building Code.** Amending the Building Code is the most appropriate way to require a consistent approach to new construction and expansions across the state. All local government building inspectors are trained and certified to administer the state Building Code.

3. **Real Estate Disclosure:** Often purchasers of real estate in military impact areas are not aware of noise and safety risks. Real estate disclosure will help make potential buyers aware of the issues related to owning property impacted by military base operations.

**Support recommendation #2 of the Advisory Commission on Military Affairs to read – “Require real estate disclosure statements for the transfer, sale, or lease of property located within military impact areas”. The state should amend the existing disclosure requirements to add “military impact areas”.**

4. **Other Needs of Local Governments:** In order to adequately protect North Carolina’s military bases from inappropriate urban encroachment, local governments need a variety of planning/land use oriented tools and financial support. The items listed below include additional authority or resources needed by local governments.
  - a. **Military bases need to share, within appropriate security constraints; future plans for properties near military bases.** Having access to thorough information is critical for local governments when making land use and infrastructure decisions in military impact areas and beyond.
  - b. **Payment in Lieu of Taxes (PILT) for reduced/lost property values.** Local governments experience lower intensity development in military impact areas and the preservation of critical properties, thereby reducing property values and local property tax revenues. Property tax is the primary revenue source for local governments in North Carolina.
  - c. **Clear legislative authority to acquire property around military bases as a “public purpose” and the use of Eminent Domain IF the local government so desires.**

Some local governments want to acquire critical properties to prevent development in and near military impact areas. Legislative authority is desired to make certain that the expenditure of public funds for this purpose is an appropriate "public purpose".

- d. **Funding for infrastructure improvements to encourage growth in areas away from military bases.** In order to adequately protect military impact areas, local governments must encourage areas to develop that provide the desired facilities and amenities for the residents of the community. State and federal funds are needed for infrastructure improvements in areas away from military impact areas to encourage growth away from military bases.
- e. **Legislative authority to enact local ordinances that allow the transfer of development rights.** Local governments need many planning tools to adequately protect military impact areas and guide appropriate development. Ordinances that allow the transfer of development rights is another tool to assist not only local governments, but also land owners by encouraging more intense development in areas away from military bases.
- f. **Local government representation on the North Carolina Military Affairs Commission.** Many of the issues under consideration by the Commission are local government issues. It is in the best interest of the Commission and local governments to have designated local government representatives on the Commission. These local government representatives are to be appointed by NCACC and NCLM.

## Appendix A

### Local Government Military Base Advisory Committee

#### Co-Chairs

Donald E. Beaver, Commissioner-City of Havelock,  
Atlas Price, Jr., Commissioner-Wayne County

#### Committee Members

Chuck Allen, Councilman-City of Goldsboro  
Talmage Baggett, Jr., Commissioner-Cumberland County  
Harold Blizzard, Manager-Craven County  
Jack Bright, Commissioner-Onslow County  
Heather Brown, Deputy Planner -Town of Aberdeen  
Bill Cameron, Commissioner-Hoke County  
William Fields, City Attorney-City of Raeford  
Paul Fisher, Alderman-City of Southport  
Anne Fogleman, Council Member-City of Fayetteville  
Rob Gandy, City Manager-City of Southport  
Bob Gentry, Mayor-City of Raeford  
Jimmy Hall, Code Enforcement Officer-Town of Spring Lake  
Roy Horne, Veterans Service Officer-Pender County  
Phin Horton, Town Manager-Town of Holly Ridge  
George Jackson, Planning Director-Harnett County  
Randy Keaton, Manager-Pasquotank County  
Hank Krebs, Commissioner-Pasquotank County  
Marty Lawing, Manager-Brunswick County  
Ron Lewis, Manager-Onslow County  
Colin McKenzie, Jr., Commissioner-Moore County  
Mike McNeil, City Manager-City of Raeford  
Tim McNeill, Commissioner-Harnett County  
Eugene Meadows, Commissioner-Pender County  
James P. O'Garra, Mayor Pro Tempore-Town of Spring Lake  
Tom Phillips, City Manager-City of Havelock  
Nancy Roy, Planning & Inspections Director-Cumberland County  
David Sandifer, Commissioner-Brunswick County  
Donna Shannon, Commissioner-Town of Aberdeen  
Richard Slozak, City Manager-City of Goldsboro  
Elsie P. Smith, Mayor-City of Jacksonville  
Richard Smith, Planning Director-Moore County  
William Lee Smith, III, Manager-Wayne County  
Kyle Sonnenberg, Manager-Town of Southern Pines  
Grant Sparks, Public Services Director-City of Jacksonville  
Roger Stancil, City Manager-City of Fayetteville  
Leon Staton, Commissioner-Craven County  
Elvin Summerlin, Council Member-Town of Holly Ridge  
Marcia Wilson, Clerk-Wayne County  
Mike Wood, Manager-Hoke County  
Bill Zell, Town Manager-Town of Aberdeen

#### Ex-officio Member

General Clint V. Willis, Jr. (retired), Commissioner-Scotland County

**Committee Staff**

Charles B. Archer, NCLM Director of Intergovernmental Relations  
Paul A. Meyer, NCACC Assistant General Counsel

**Committee Meeting Dates and Locations**

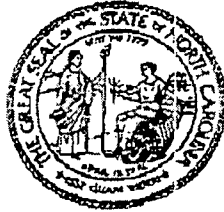
August 6, 2003 – Clinton/Sampson County, NC  
August 20, 2003 – Goldsboro/Wayne County, NC  
October 18, 2003 – Clinton/Sampson County, NC  
November 19, 2003 – Fayetteville/Cumberland County, NC

Draft

## Appendix B

Please see accompanying PDF file "Troy Pate Letter"

Draft



Copy

**STATE OF NORTH CAROLINA**  
**GOVERNOR'S ADVISORY COMMISSION ON MILITARY AFFAIRS**

**MICHAEL F. EASLEY**  
GOVERNOR

**GENERAL (Ret.) HENRY H. SHELTON, CO-CHAIR**  
**TROY PATE, CO-CHAIR**

**March 25, 2003**

**Governor Michael F. Easley**  
Office of the Governor  
20301 Mail Service Center  
Raleigh, NC 27699-0301

**Dear Governor Easley:**

The Advisory Commission on Military Affairs voted at its March 21, 2003 meeting to submit the following recommendations for of legislative action. The purpose of these recommendations is to help protect North Carolina's military installations from urban encroachment that compromises training and operational readiness.

The Commission's Strengths/Weaknesses/Opportunities/Threats (SWOT) analysis required by G.S. 127C-4(2)(b.) identified and ranked important issues in four categories: training and operational readiness; quality of life; business development; and state/local relations. Encroachment into high noise and accident potential zones was singled out as the most critical issue facing our military bases. As such, it threatens the long-term viability of our bases at a time when their continued presence in our State is vital for both national defense and economic development. Encroachment is a problem at military bases throughout the country. It is more severe in some other states than it is in North Carolina. We have a unique opportunity in North Carolina to address the issue successfully before it seriously jeopardizes our bases.

The following recommendations for legislation are based on joint land use studies nearing completion at three of North Carolina's major military installations. These studies identified the following actions as the most effective to address encroachment.

1. Require local governments to formally delineate "buffer zones" that are subject to high noise and potential accidents. These buffer zones will give local communities, military officials, developers, homebuyers, and others, a common point of reference for land that requires special attention and application of appropriate management tools.

**COLONEL (Ret.) F. DOUGLAS PHELPS, COMMISSION ADVISOR**  
4709 MAIL SERVICE CENTER • RALEIGH, NORTH CAROLINA 27699-4709 • 919-664-6103

2. **Require real estate disclosure statements for the transfer, sale, or lease of property located within the buffer zone.** Current real estate disclosure law has several exemptions, including the first sale of new dwellings, which greatly limit its effectiveness near military bases. Disclosure may temper development decisions, and it may decrease complaints from people who knowingly place themselves in high noise or accident potential zones.
3. **Require land use plans upon which well-informed decisions can be made concerning development in proximity to military bases.** Land use plans provide a framework for other important development tools such as zoning and utility extension policies. CAMA plans are already required for areas around two bases. Other land use plan models and guidelines are also available.
4. **Require sound attenuation building techniques for new dwellings, schools, and churches in high noise areas.** At a minimum, storm windows and doors should be required for new construction, and encouraged through retrofitting existing buildings.
5. **Limit infrastructure improvements in buffer areas.** Infrastructure, especially water and sewer, induce higher density/intensity development. If infrastructure is extended into or enlarged in buffer areas it will be much more difficult to limit development. State funds should not be available to build or expand infrastructure in buffer zones.
6. **Acquire critical property within buffer areas and beyond.** Some tracts and parcels of land within the buffer zone, and sometimes outside the buffer zone, are especially important to preserve in permanent open space. State programs such as the Clean Water Management Trust Fund, the Recreation Trails Program, and the Land and Water Conservation Fund should give priority to protecting these areas. A "Military Buffer Lands Protection Trust Fund" should be established to help purchase critical parcels or easements.

Timing is critical to act on these recommendations because they require legislative action for implementation. The Commission urges support to help ensure that they are enacted into law.

*Troy Pate*

Troy Pate  
Co-Chairman

COLONEL (Ret.) F. DOUGLAS PHELPS, COMMISSION ADVISOR  
4709 MAIL SERVICE CENTER • RALEIGH, NORTH CAROLINA 27699-4709 • 919-664-6103

## Appendix C

## NORTH CAROLINA ADVISORY COMMISSION ON MILITARY AFFAIRS EXECUTIVE COMMITTEE

## APPOINTED

| Name                                      | Appointing Body      | Terms Ends | Statutory Classification   |
|---|----------------------|------------|--|
| Lt. Col. (Ret.) Robert C. Anderson        | Governor             | 2003       | Representative from Fayetteville   |
| Mr. Jimmie Lee Edmundson                  | Governor             | 2003       | Representative from Goldsboro  |
| Ms. Marta Jo Faircloth                    | Governor             | 2004       | Representative from Fayetteville   |
| Major (Ret.) David R. Green               | Governor             | 2003       | Public member from across the State  |
| Mr. Joseph Henderson                      | Governor             | 2004       | Representative from Jacksonville   |
| Mr. Ron McElheney                         | Governor             | 2004       | Representative from Jacksonville   |
| Mr. Edward Graham Melvin, Jr.             | Governor             | 2004       | Representative from Fayetteville   |
| Major General (Ret.) Hugh R. Overholt     | Governor             | 2003       | Representative from Havelock   |
| Mr. Troy W. Pate, Co-chair                | Governor             | 2003       | Representative from Goldsboro  |
| Mr. Daniel Merritt Roberts, III           | Governor             | 2003       | Representative from Havelock   |
| General (Ret.) Henry H. Shelton, Co-chair | Governor             | 2003       | Public member from across the State  |
| Major General (Ret.) Ray Louis Smith      | Governor             | 2004       | Public member from across the State  |
| Mr. Hal H. Tanner, Jr.                    | Governor             | 2003       | Representative from Goldsboro  |
| Ms. Brenda K. Wilson                      | Governor             | 2004       | Representative from Havelock   |
| Ms. Brenda M. Dougherty                   | Senate Pro-Tem       | 2003       | Appointed by the President Pro Tempore of the Senate, one appointee shall be a member of a recognized veterans' organization.    |
| Mayor Alfonzo King                        | Senate Pro-Tem       | 2003       | Appointed by the President Pro Tempore of the Senate, one appointee shall be a member of a recognized veterans' organization     |
| Senator Scott E. Thomas                   | Senate Pro-Tem       | 2003       | Appointed by the President Pro Tempore of the Senate, one appointee shall be a member of a recognized veterans' organization     |
| Mr. Paul Butler, Jr                       | Speaker of the House | 2003       | Appointed by the Speaker of the House of Representatives, one appointee shall be a member of a recognized veterans' organization |
| Mr. Preston Garris                        | Speaker of the House | 2003       | Appointed by the Speaker of the House of Representatives, one appointee shall be a member of a recognized veterans' organization |
| Rear Admiral (Ret.) Steve Glass           | Speaker of the House | 2003       | Appointed by the Speaker of the House of Representatives, one appointee shall be a member of a recognized veterans' organization |

**EX-OFFICIO (Non-Voting)**

|   |          |  |
|---|----------|--|
| Secretary Bryan E. Beatty               | Governor | Secretary of the Department of Crime Control & Public Safety           |
| Brigadier General Robert Dickerson Jr.  | Governor | Commanding General Marine Corps. Base, Camp Lejeune                    |
| Secretary James T. Fain, III            | Governor | Secretary of the Department of Commerce                                |
| Major General (Sel.) Robert M. Flanagan | Governor | Commanding General Marine Corps. Air Station, Cherry Point             |
| Major General William E. Ingram, Jr     | Governor | Adjutant General of the North Carolina National Guard.                 |
| Captain Stephen J. Krupa                | Governor | Commanding of the U.S. Coast Guard Support Center, Elizabeth City      |
| Brigadier General Eric J. Rosborg       | Governor | Commander, 4 <sup>th</sup> Fighter Wing Seymour Johnson Air Force Base |
| Brigadier General Winfield W. Scott III | Governor | Commander 43 <sup>rd</sup> Airlift Wing, Pope Air Force Base.          |
| Lieutenant General John R. Vines        | Governor | Commanding General 18 <sup>th</sup> Airborne Corps, Fort Bragg         |

# VISITOR REGISTRATION SHEET

Joint Select Committee on Military Affairs  
Name of Committee

2/19/04  
Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE ASSISTANT

| <u>NAME</u>       | <u>FIRM OR AGENCY</u>          |
|-------------------|--------------------------------|
| ZEB ALLEY         | VFW                            |
| SAM POOLE         | Ward & Smith                   |
| BREEDEN BLACKWELL | NCACC                          |
| ATLAS PRICE, JR   | NCACC                          |
| CHUCK ALLEN       | NCLM                           |
| GURAN MARKHAM     | NC Ports                       |
| KEN MELTON        | Alley Associates, Inc.         |
| JAY PRICE         | The News & Observer            |
| DR. J. W. WILSON  | 4FW/CV SEMINAR Bureau AFB      |
| WILLIAM MOSES     | Marine Corps Base Camp Lejeune |
| TOM PHILLIPS      | CITY OF HAVELock               |
| JIMMY SANDERS     | CITY OF HAVELock               |
| STEPHANIE SIMPSON | NC Association of REALTOR@Inc  |
| RICK ZECHINI      | NC Assoc. of REALTOR           |
| JIMMY BROUGHTON   | Womble Carlyle PLLC            |
| JEFF LANE         | " "                            |
| HAL TANNER JR     | Gov. Mil. Adv. Comm.           |
| TROY PATE         | " " " " (Co-CHAIR)             |
| DR. HOLMAN        | clean water Mgt Trust Fund     |
| IANC MOYER        | NC Assoc. County Cnrs.         |
| BEN LEWIS         | Onslow County Manager          |
| JACK BRIGHT       | Onslow County Commissioner     |
| JOHN BERNDT       | Consultant                     |
| LISA MARTIN       | NC Home Builders Assoc.        |
| SHAWN STEPHENS    | DENR                           |
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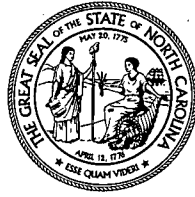
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Sponsor: \_\_\_\_\_

Sgt-At-Arms

1. Name: CURTIS DOWD
2. Name: John Fitchett
3. Name: WADE ANDERSON
4. Name: STAN JOHNSON  
DUSTY RHODES  
BOB FOWLER

NORTH CAROLINA GENERAL ASSEMBLY  
STATE LEGISLATIVE BUILDING  
RALEIGH 27603



February 24, 2004

**MEMORANDUM**

**TO:** Members, Joint Select Committee on Military Affairs

**FROM:** Senator Cecil Hargett, Jr., Co-Chair  
Representative Ronnie Sutton, Co-Chair  
Representative Keith Williams, Co-Chair

**SUBJECT:** Committee Meeting Notice

There will be a meeting of the Joint Select Committee on Military Affairs:

DAY: Tuesday

DATE: March 9, 2004

TIME: 10:00 AM

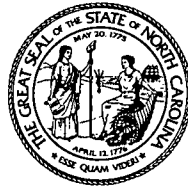
LOCATION: Room 544, Legislative Office Building

Please advise Martha Hoover, Committee Assistant, at 715-3009, or e-mail [williamskla@ncleg.net](mailto:williamskla@ncleg.net) if you will be unable to attend.

Posted: 24-Feb-04

cc: Committee Record   x    
Interested Parties   x  





## **Joint Select Committee on Military Affairs**

### **Minutes**

**March 9, 2004**

The Joint Select Committee on Military Affairs met on Tuesday, March 9, 2004, at 10:00 a.m. in Room 544 of the Legislative Office Building. The following members were present: the Co-Chairs: Senator Cecil Hargett, Jr., Representative Ronnie Sutton, and Representative Keith Williams; Senators Charlie Dannelly, Katie Dorsett, James Forrester, John Kerr, III, Tony Rand, and R. B. Sloan, Jr., and Representatives Lorene Coates, Robert Grady, Charles Johnson, Marvin Lucas, and Louis Pate, Jr.

Presiding Chair Williams called the meeting to order and welcomed the members and staff. He recognized two guests in the audience: Ms. Leigh McNairy, Special Assistant for Military Affairs, Office of the Lieutenant Governor; and Col. Al Aycock, Garrison Commander, Fort Bragg. The Chairman then opened the floor for a motion to approve the minutes. The motion was made and the minutes were approved as written.

#### **Presentation by Mr. David A. MacKinnon**

Chairman Williams introduced the first speaker, Mr. David A. MacKinnon, Associate Director of the Office of Economic Adjustment (OEA), Department of Defense. A copy of Mr. MacKinnon's presentation slides, titled "Incompatible Urban Growth: Impact on Military Installations," is attached (Attachment 2). In his opening remarks, Mr. MacKinnon reviewed the mission and authority of OEA. He also defined encroachment and gave examples of the two types – environmental constraints and urban growth constraints. In discussing the cooperative efforts that OEA would like to see, Mr. MacKinnon described ways to deal with urban growth near bases and ranges. Part of his presentation covered the situation in North Carolina, including activities underway, such as the Advisory Commission on Military Affairs and the JLUS studies. In closing he reviewed typical development controls and some recommendations.

At the conclusion of Mr. MacKinnon's presentation, Chairman Williams opened the floor for questions and comments. There was a brief period of discussion, including several questions regarding the JLUS that was completed at Seymour Johnson AFB.

#### **Presentation by Ms. Tara A. Butler**

As the next order of business, Chairman Williams introduced Ms. Tara A. Butler, Senior Policy Analyst, National Governors Association Center for Best Practices. Ms. Butler began with a series of slides showing the increase in urban development around Nellis Air Force Base in Las Vegas from the 1930's to the present. (Attachment 3, "BRAC: Military Encroachment").

She then discussed the topics covered in an Issue Brief titled "Military Installations Pressured by Sprawl" (Attachment 4). In reviewing the extent of the problem, Ms. Butler said that incompatible residential and commercial development of land close to military installations could affect the ability of an installation to carry out its mission. She noted that some states are encouraging compatible land use around their military installations by having local governments:

- Anticipate urban growth patterns and create a land-use plan to prevent encroachment
- Establish high noise and accident potential zones near military installations and develop zoning codes that support compatible development of land within these zones.

In the next part of her presentation, Ms. Butler spoke from a second Issue Brief, "State Strategies to Address Encroachment at Military Installations" (Attachment 5). She described steps that states and localities are taking to address the problem:

- Crafting legislation that requires compatible land use;
- Passing zoning, planning, and noise requirements;
- Using statutory language to designate military installations as areas of critical state concern;
- Acquiring property surrounding military installations; and
- Creating state military advisory bodies.

During discussion following the presentations, several members suggested topics for Committee consideration. Representative Pate asked that the Committee address the weaknesses inherent in the process for petroleum distribution in the State, with the potential for terrorist attacks and the resulting impact on military operations. Senator Rand asked to have presenters to discuss partnering with conservation groups, as has been done at Fort Bragg with the Nature Conservancy.

As there was no further business before the Committee, Chairman Williams announced that the next meeting would be on March 23<sup>rd</sup>. He then adjourned the meeting at approximately 12:00 noon.



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Representative Keith Williams  
Presiding Co-Chair



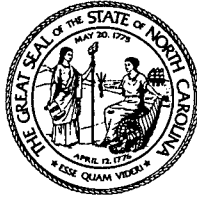
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Martha Hoover, Clerk

Senator Cecil Hargett, Jr., Co-Chair  
Representative Ronnie Sutton, Co-Chair

#### **Attachments**

1. Agenda
2. Incompatible Urban Growth: Impact on Military Installations
3. BRAC: Military Encroachment
4. Issue Brief: Military Installations Pressured by Sprawl, NGA Center for Best Practices
5. Issue Brief: State Strategies to Address Encroachment at Military Installations, NGA Center for Best Practices



## **JOINT SELECT COMMITTEE ON MILITARY AFFAIRS**

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### **AGENDA**

March 9, 2004  
Room 544, Legislative Building  
10:00 am

### **WELCOME AND INTRODUCTION**

Senator Cecil Hargett, Co-Chair  
Representative Keith P. Williams, Co-Chair  
Representative Ronnie Sutton, Co-Chair

- **Incompatible Urban Growth Impact on Military Installations -- David McKinnon, Associate Director, Office of Economic Adjustment, Department of Defense**
- **State Strategies to Address Encroachment at Military Installations – Tara A. Butler, Senior Policy Analyst, National Governors Association Center for Best Practices**

**Committee Discussion**

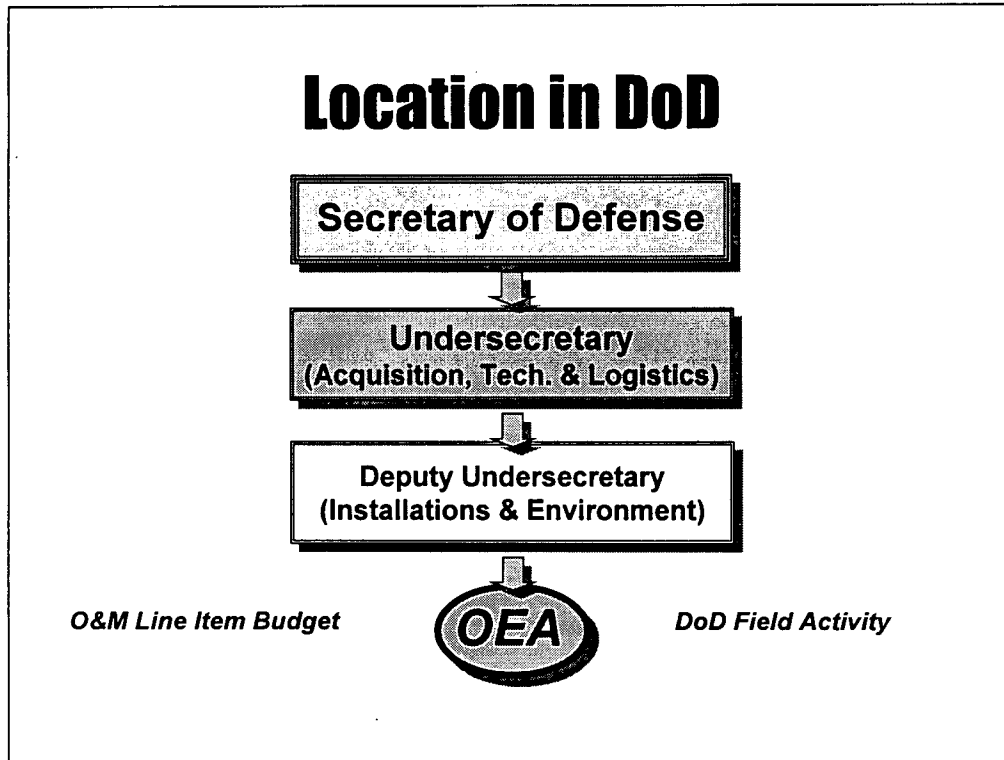
**Instructions to Staff**

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# **Incompatible Urban Growth Impact on Military Installations**



**Office of Economic Adjustment**  
**David MacKinnon**  
*Associate Director*



- OEA was created in 1961 to address local economic adjustment problems created by base closures & defense contractor cutbacks.
- Initially a small office of 4-5 people, it is now approximately 35 staff with a 4-person regional office in Sacramento, CA.
- The office was formalized in 1978 with an Executive Order that established the Defense Economic Adjustment Programs & made an independent field activity of the Secretary of Defense.
- OEA is the staff of the President's Economic Adjustment Committee, comprised of 23 key Federal agencies that provide technical, financial & property disposal assistance to affected communities & states.
- OEA authority was expanded in the 1980's to include impacts from the creation or expansion of defense installations & encroachment prevention.
- In the 1990's OEA authority was increased to address state adjustment planning & defense dependency concerns.

BRAC: Military Enrichment  
Tara Butler, National Governors Association



1930

North Las Vegas

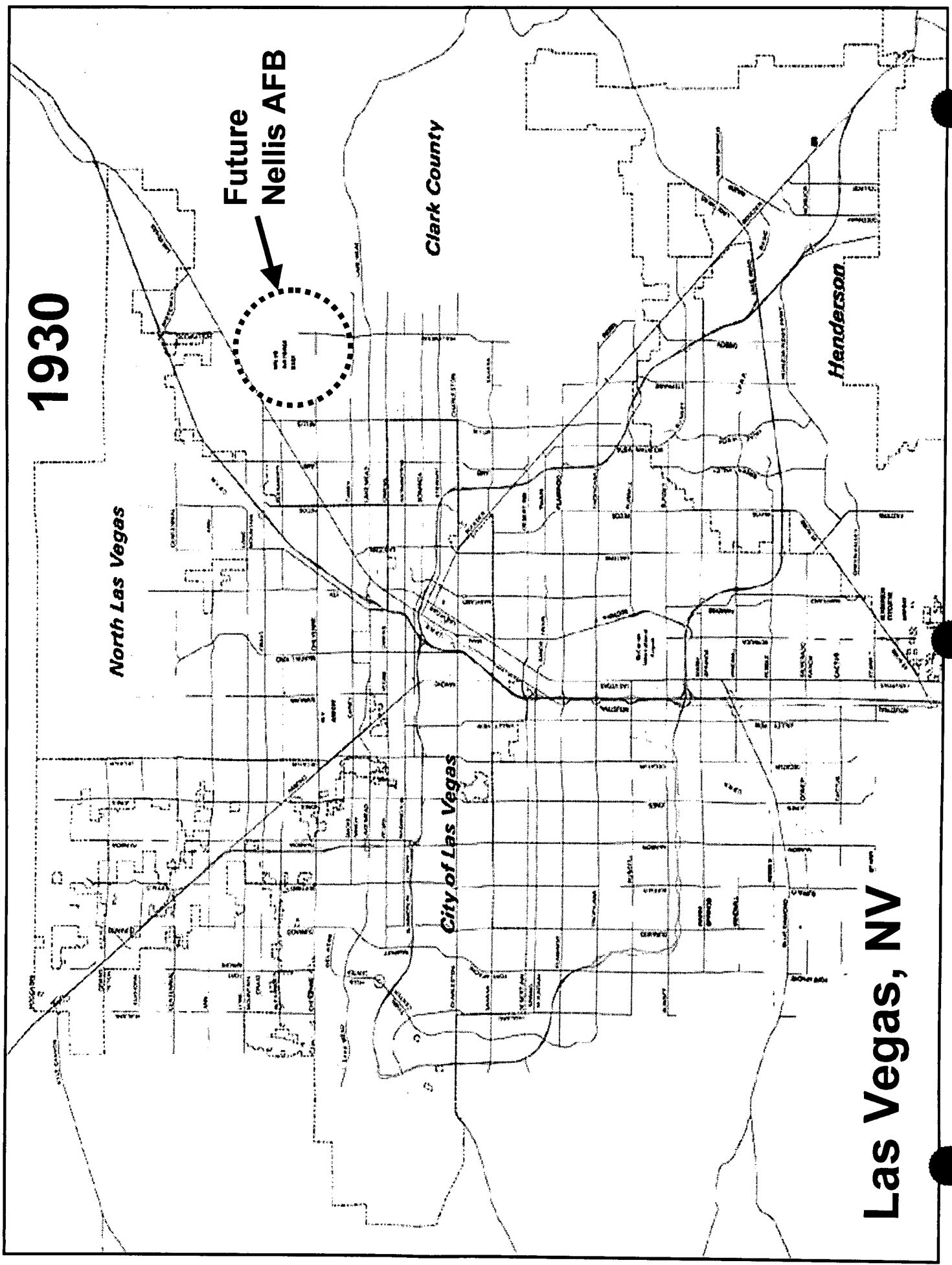
Future  
Nellis AFB

Clark County

City of Las Vegas

Henderson

Las Vegas, NV



1960

North Las Vegas

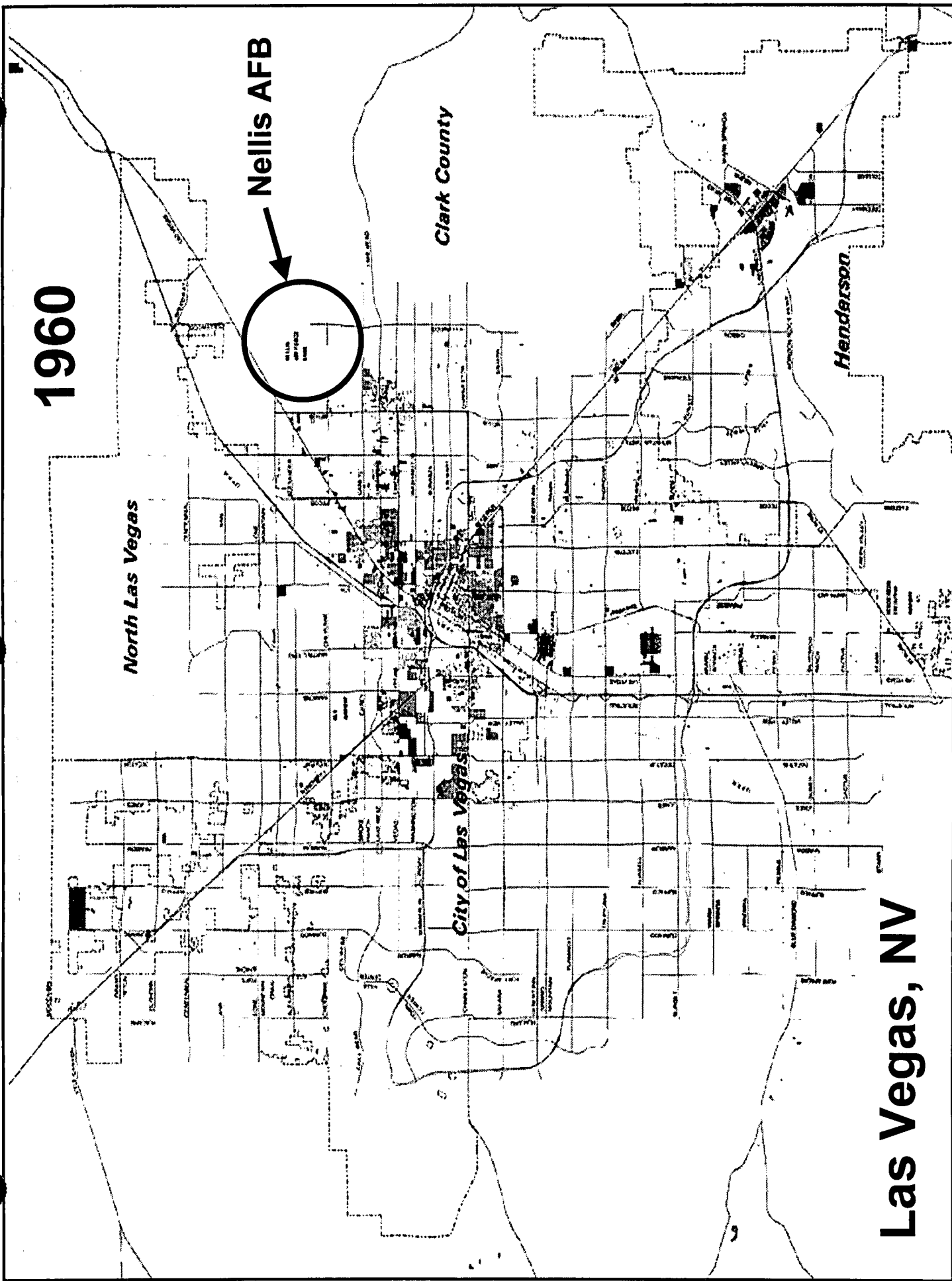
Nellis AFB

Clark County

Henderson

City of Las Vegas

Las Vegas, NV



1970

North Las Vegas

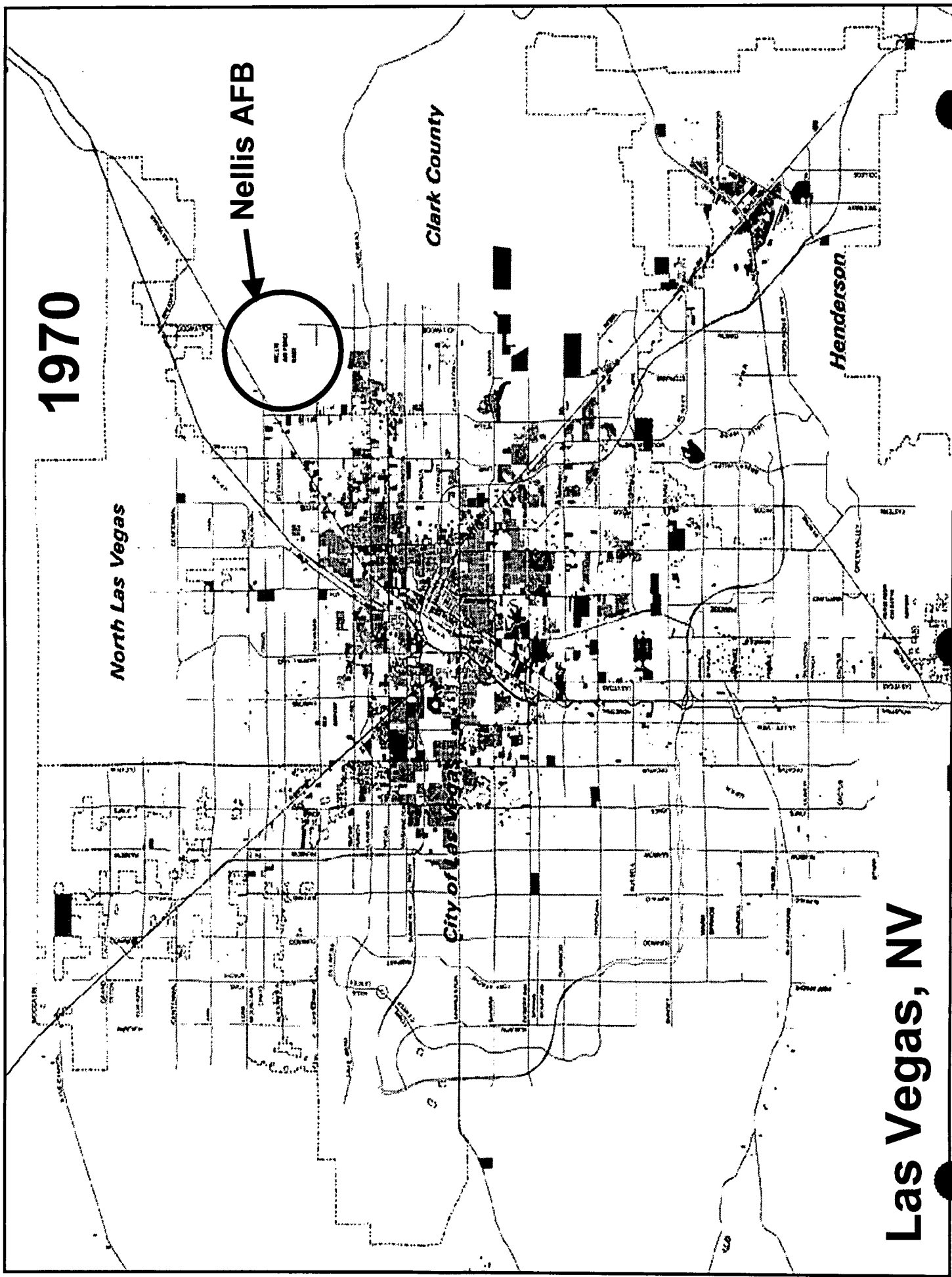
Nellis AFB

Clark County

Henderson

City of Las Vegas

Las Vegas, NV



1980

North Las Vegas

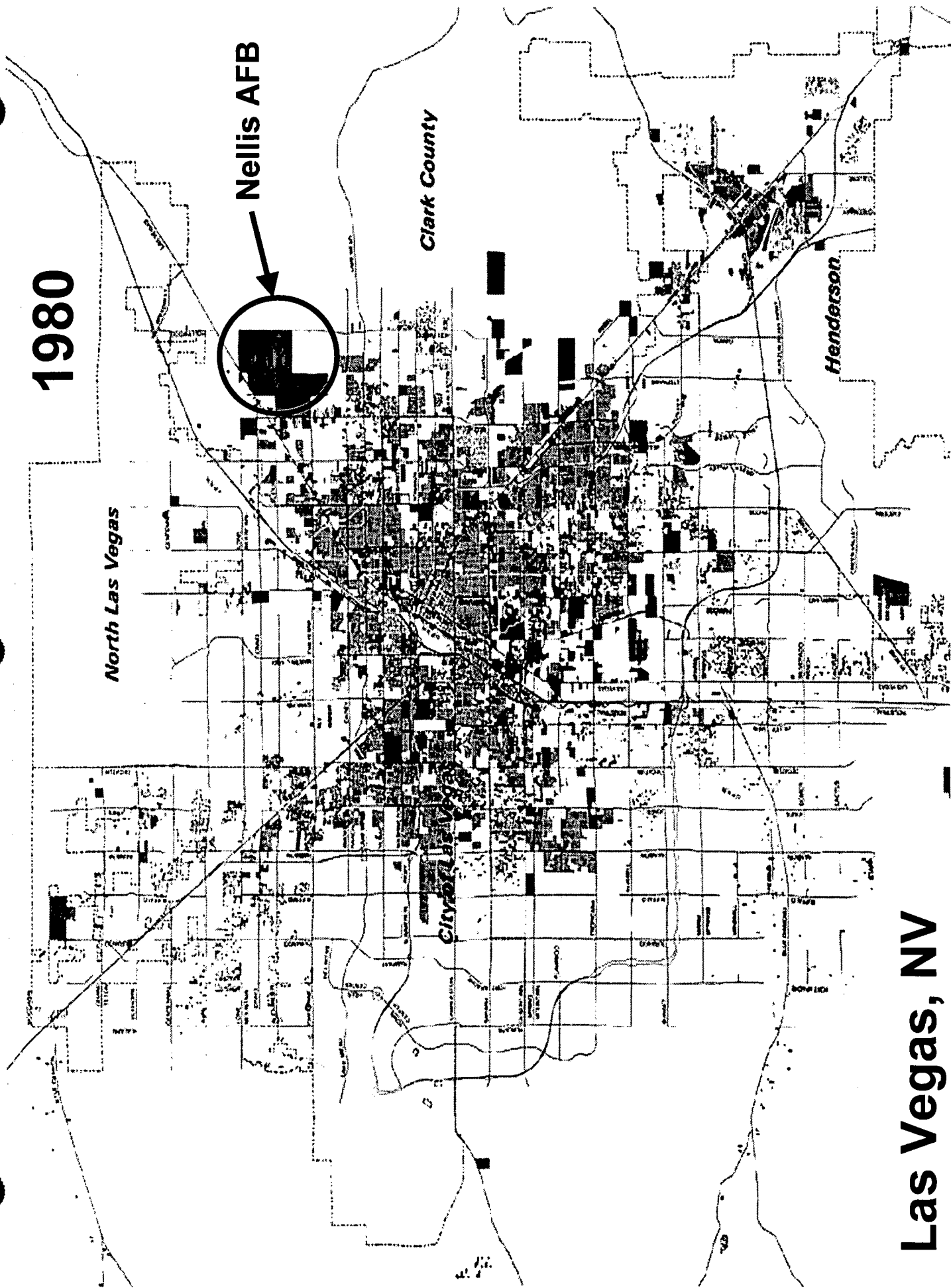
Nellis AFB

Clark County

Henderson

City of Las Vegas

Las Vegas, NV



1990

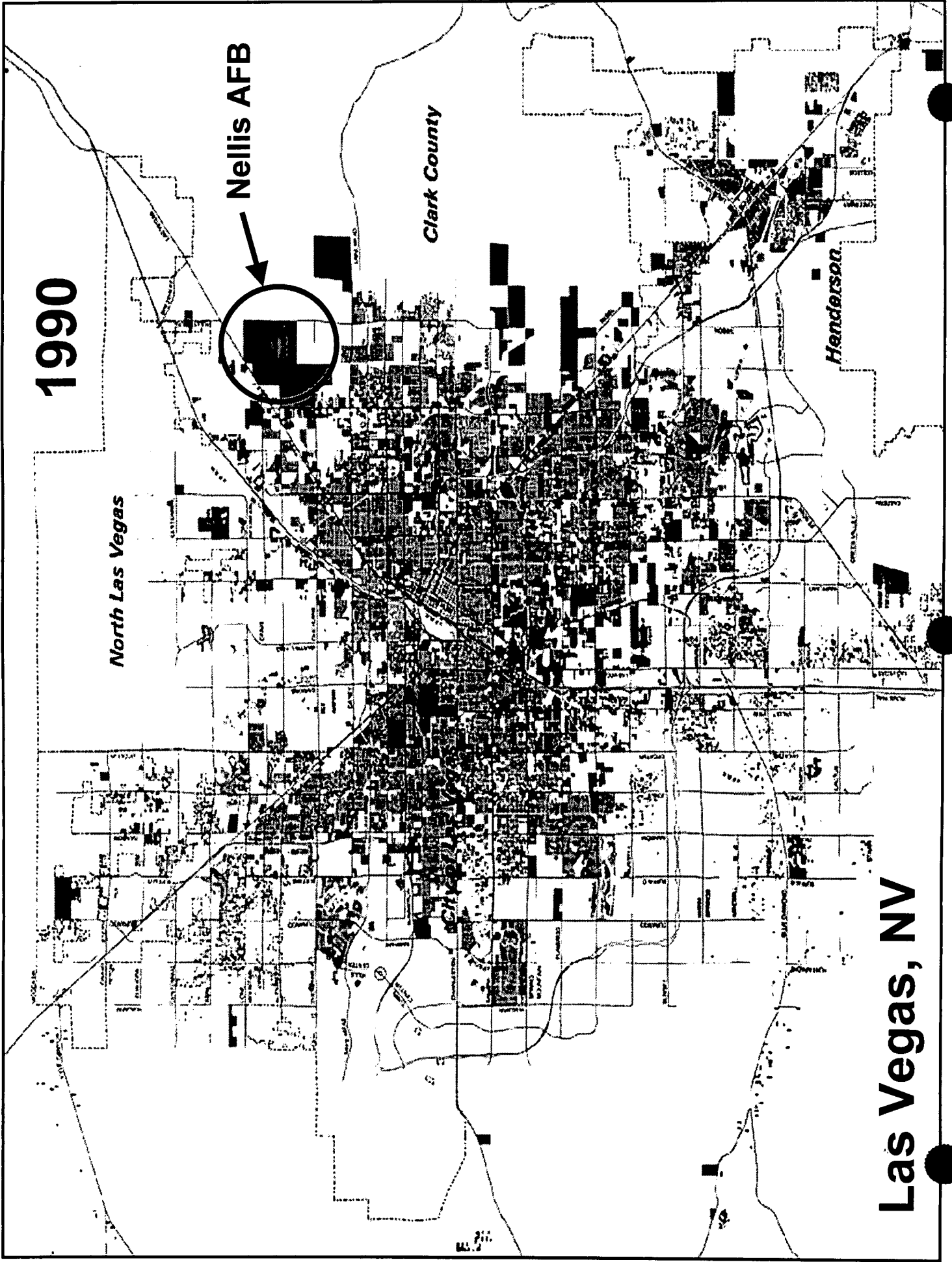
North Las Vegas

Nellis AFB

Clark County

Henderson

Las Vegas, NV



2000

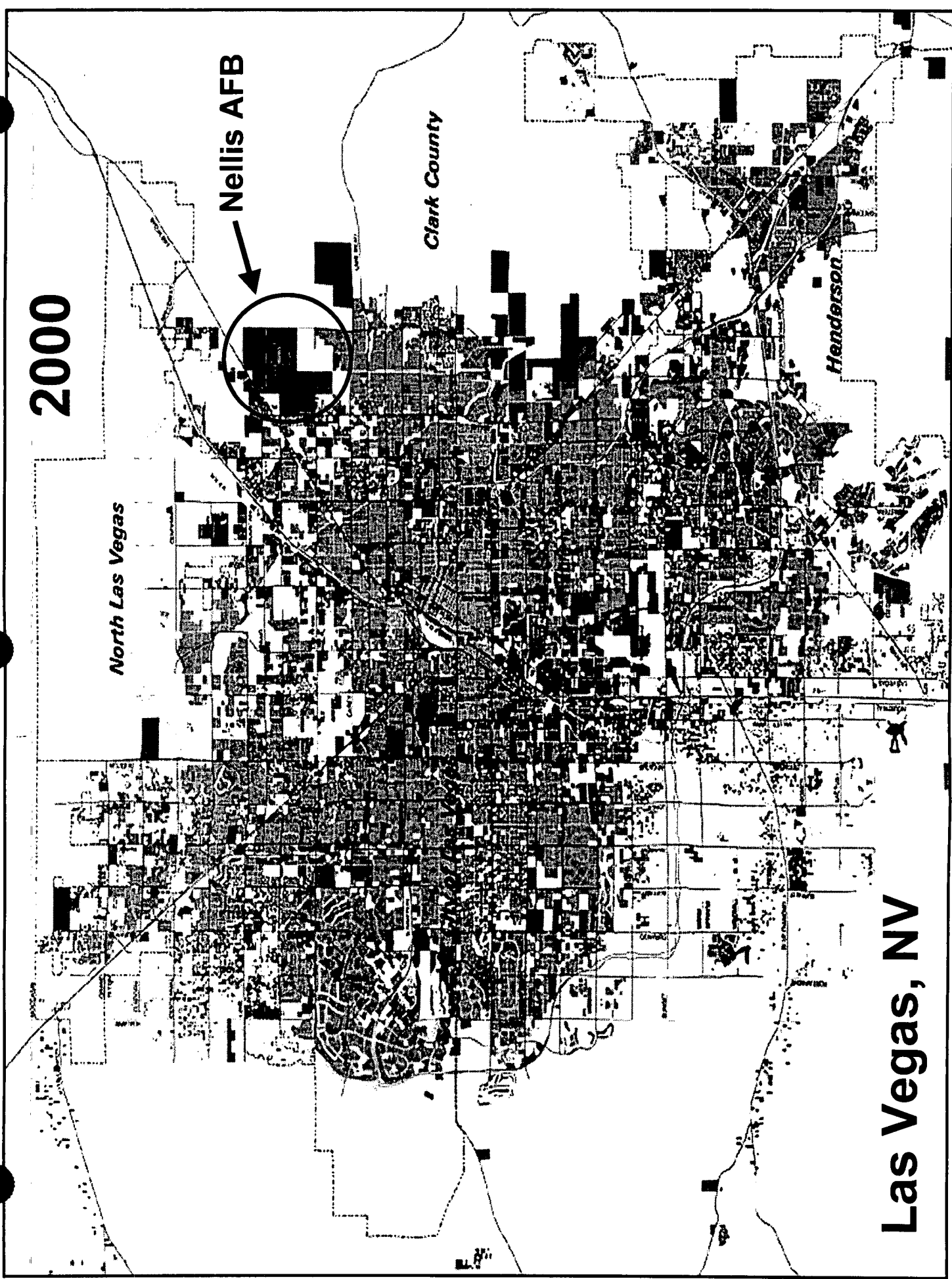
North Las Vegas

Nellis AFB

Clark County

Henderson

Las Vegas, NV





NGA Center for  
BEST PRACTICES

# Issue Brief

Natural Resources Policy Studies

Contact: Tara A. Butler, 202/624-5357 or

[tbutler@nga.org](mailto:tbutler@nga.org)

October 11, 2002

## Military Installations Pressured by Sprawl

Incompatible residential and commercial development of land close to military installations can affect the ability of an installation to carry out its mission. Such development also threatens public safety because accidents sometimes occur in the areas surrounding an installation. The economic health of a community is affected if military operations and missions must relocate because of urban encroachment. States and local governments have begun to take actions to prevent encroachment and more measures are likely with heightened concerns about national security and economic health.

Some states are encouraging compatible land use around their military installations by having local governments:

- anticipate future urban growth patterns and create a strategic land-use plan that prevents encroachment near military installations
- establish high noise and accident potential zones near military installations and develop zoning codes that support compatible development of land located within these zones

### Encroachment Is a Rising Problem in Many States

Civilian encroachment around military installations is beginning to restrict or eliminate testing and training activities in many locations. Eighty percent of our nation's military installations in communities are experiencing urban growth at a rate higher than the national average.<sup>1</sup> Residential and commercial communities located near bases are potentially exposed to artillery fire, aircraft noise, dust, and worse yet accidents. As a result, when urban growth and development increase near and around military bases, so do land-use conflicts between mission activities and local communities. For instance, many military airports conduct night training exercises. The city lights of encroaching development often compromise the effectiveness of night vision equipment, making night training exercises impractical.

The extent of urban encroachment having an impact on the operational activity of an installation is a consideration in determining its future viability, and such mission constraints can lead to activity reductions or installation closure. The resulting reduction in installation personnel and mission activities can jeopardize economic activity, jobs, and tax revenue. Encroachment puts local and state economies at risk.

The authority over civilian land use and development around many military installations rests with state and local governments. The most effective way to deal with urban encroachment of military installations is through improved local land-use planning and zoning. There are many examples of legislation, land-use plans, and zoning codes that can be implemented to address this issue. However, the most effective approach is to anticipate future urban growth patterns and create a strategic land-use plan with accompanying implementation and enforcement mechanisms that prevent encroachment near our nation's military installations.

## **Military Installations Are Important to State and Local Economies**

The military plays a significant economic role at the federal, state, and local level. The federal government allocates \$96.2 billion a year in direct military spending and another \$228.9 billion in civilian expenditures, for a national total of over \$325 billion.<sup>2</sup> Likewise, military installations are often critical to state economies, accounting for thousands of jobs and generating billions of dollars in economic activity and tax revenue. Several states have attempted to measure the impact that their military installations have on the local and state economy. Arizona, California, and Florida, for example, each report that base-related spending accounts for 3.7, 2.2, and 4.2 percent, respectively, of total gross state product.<sup>3</sup> These data show the significant economic benefit of military bases to state economies.

A military installation provides a level of economic stability and security for the local community. The average salary for military personnel (and civilians working for the military) is higher than the statewide average in many places. Economists assert that jobs generated and supported by a military installation play an important role in the local economy because federal defense spending is not affected by the financial ups and downs of the private sector. As a result, the military creates a stable and consistent source of employment and tax revenue for the local and state economy.

The presence of the military in a community reaches far beyond the boundaries of the installation. Even small, ancillary military stations located in remote areas often have an economic impact because they provide vital satellite support to larger installations. As a result, they generally make a contribution to the economy.

Military bases are linked to a large cross-section of the local community including active duty officers, reserve personnel, military family members, retirees, and civilians working on base. As revenue shifts from the military to local businesses through employee payroll and retail purchases, that money then makes its way to other local businesses and starts another cycle of spending. In addition, a military installation may attract frequent visitors including contractors, training units, government and foreign dignitaries, and family members. These visitors also contribute to the economy by spending their money at local hotels and eateries. Moreover, retired military officers account for a large segment of the population located near military bases. Retirees often choose to live in communities close to military installations so that they can take advantage of the benefits such as a base's recreational and retail facilities.

The substantial contracting needs of a military base also can be important to the local economy. The military procures a large amount of contract work from the private sector for maintenance, supplies, construction, manufacturing, equipment, materials, transportation, communications, and health and food services. Sometimes, defense contractors doing research and development or manufacturing are intentionally located near military bases because their work involves testing or other activities associated with a particular installation.

## **States Acting to Prevent Encroachment**

A handful of states have risen to meet the challenge of urban encroachment. For instance, some states have passed legislation that establishes high noise and accident potential zones near military installations and developed zoning codes that support compatible development of land located within these zones. Other states want local governments to anticipate future urban growth patterns and create strategic land-use plans that prevent encroachment near military installations.

## **Arizona**

Arizona passed a series of laws that require compatible land use around the state's four military airports by enforcing planning, zoning, and noise requirements. Economic issues motivated these actions.<sup>4</sup>

In 2001, Governor Jane Hull signed into law the Preservation of Military Airports Act which mandates that a city, town, or county containing territory within the vicinity of a military airport consult with, advise, and provide these military airports with the opportunity to comment on the use of land surrounding their installation. The statute further requires the adoption of land-use plans and zoning regulations that are compatible with the high noise and accident potential generated by military airport operations. For example, to address noise concerns, the act mandates the incorporation of sound attenuation standards into all local building codes. It also requires that developers provide proper and timely notice of noise sensitive uses to prospective buyers of land in areas surrounding military airports. In 2002, Arizona passed another military airport preservation law that further elaborates on land-use compatibility as well as prohibits new school construction in accident potential and high noise zones.

Drafting and passing compatible land-use statutes is only the first step in controlling encroachment at military installations. Following through with implementation of these principles is an equally important task. To accomplish this goal, the Arizona Military Airports Regional Compatibility Project was created to coordinate stakeholder meetings to deal with land-use compatibility issues. The project brings local jurisdictions, military installation representatives, land owners, and other interested parties to the table to identify land-use conflicts, develop compatible solutions, and design a firm implementation plan that incorporates a financing strategy. The Compatibility Project was launched by Arizona legislation that appropriates funds to support the development of comprehensive land-use plans within noise and accident potential zones.

The city of Glendale, home to Luke Air Force Base, has created a reference booklet on Arizona's statutes that provide a roadmap of new and innovative measures to protect military facilities from encroachment. The Arizona Revised Statutes Relating to Military Airports booklet includes relevant Arizona law as well as answers to a list of commonly asked questions regarding military installations, compatible development, and accident potential zones.

Arizona has emerged as a national leader in protecting its bases from encroachment. Although Arizona laws currently only apply to military airports, they serve as a model of how states can influence and encourage compatible development around all military installations. Governor Hull believes that Arizona's installations are critical to both the military and the local economy. She said that addressing the encroachment problem in local plans "will assure compatible land use near our bases, which is the best way to protect them."<sup>5</sup>

## **ARIZONA**

**Gross State Product: \$156 billion**

**Federal Military Spending: \$1.6 billion**

**Economic Impact of major military operations:**

**\$5.7 billion in statewide economic output**

**\$233 million in state and local tax revenue**

**83,506 jobs – Military bases employ more individuals than the state's top three private-sector employers**

## California

California also passed laws aimed at curbing urban encroachment of military installations. The first step was to pass a law that created the California Defense Conversion and Retention Council to oversee efforts to minimize base closures and to prepare a study regarding long-term protection of land adjacent to military installations. Here too, economic issues were important.<sup>6</sup>

In 2002, California passed a law requiring cities and counties to consider the impact of new growth on military readiness when preparing zoning ordinances or designating land uses covered by the general plan for land adjacent to military facilities or underlying designated military aviation routes and airspace. In addition, an advisory planning handbook for local officials, planners, and builders will be developed explaining how to reduce land-use conflicts between civilian development and military readiness activities. The act also encourages cooperation between military bases and local planning entities when developing strategies to address growth.

The weakness of this statute lies in its funding provisions and lack of enforceability. Only towns that receive federal funding from the U.S. Department of Defense are required to consider the impact of development on military readiness. If funding can't be secured, many of these localities may not have the financial capacity to conduct impact studies and draft growth regulations.

## Florida

The link between bases and economic benefits has been made in Florida.<sup>7</sup> Florida's Land Development Code requires local cities and counties to be consistent with state development and land-use policies. In addition, the Environmental Land and Water Management Act requires state approval of major development proposals. This statute permits the governor and cabinet to designate "Areas of Critical State Concern" which protect land in the state where unsuitable development would endanger resources of regional or statewide significance. The act ensures orderly and well-planned growth by regulating development in these areas. In addition, "Developments of Regional Impact" can be identified that establish criteria and procedures to ensure that local land-use decisions address the regional impacts of proposed large-scale developments.

Although Florida has not declared their military installations as Areas of Critical State Concern, these land-use policies could serve as meaningful tools to address encroachment in the state.

Governor Jeb Bush said that "we can reform our growth management laws so that we recognize that there's a way to organize our communities that is compatible with something as important as a military base."<sup>8</sup>

On a local level, a number of counties in Florida have set up land development plans that require compatibility surrounding local military and commercial airports. Escambia County, home to Pensacola Naval Air Station, has a land development code that creates various levels of accident potential and noise zones. The code sets forth specific compatible land uses for each zone. Santa Rosa County has a similar code that establishes standards for land use around Eglin Air Force Base.

## CALIFORNIA

**Gross State Product: \$1.34 trillion**

**Federal Military Spending: \$11.1 billion**

**Economic Impact of major military operations:**

**\$30 billion a year in direct economic expenditures**

**The military is larger than other economic sectors in the state, including agriculture**

**California is home to:**

**300,000 active duty and civilian defense personnel**

**64 military installations – more than any other state**

**More than half of these military facilities are located within sight of major metropolitan areas**

## Florida

**Gross State Product: \$472 billion**

**Federal Military Spending: \$5.4 billion**

**Economic Impact of major military operations:**

**\$20 billion a year in statewide economic output**

**For every \$100 in base activity money spent, another \$113 is spent in Florida's economy as a result of this activity**

**The annual wage for Florida's military and civilian personnel is 29% greater than the statewide average**

## **Colorado**

The city of Aurora, Colorado, recognizes there are certain areas within its city boundaries that are subject to high aviation noise levels and potential crash hazards generated by aviation activities. These military activities endanger the lives and property of occupants of land in the vicinity of local airports such as Buckley Air Force Base. In an effort to curb incompatible development surrounding Buckley, the city drafted a zoning code that regulates new structures built within airport districts. The most dangerous areas are "clear zones" where the accident potential is so great that all land uses are prohibited. In "accident potential zones," land use is regulated to reduce hazards in areas characterized by high noise levels and significant potential of crashes. These zones restrict nearly all residential and commercial land use.

The city of Aurora appreciates the economic importance of the base<sup>9</sup> and understands that noise and safety concerns have a significant impact on both Buckley Air Force Base and the surrounding communities. Aurora responded by developing local land-use plans that prevent future encroachment and conflict. If enforced, local zoning ordinances can assure the compatibility of land surrounding a military installation.

## **AURORA, COLORADO**

***Economic Impact of Buckley Air Force Base (AFB) on local economy is \$381 million a year***

***Military construction projects totaling \$91.8 million are planned through the year 2007***

***Buckley AFB is one of Aurora's largest employers***

## **Department of Defense Provides Planning Assistance**

The U.S. Department of Defense (DOD) believes that through joint, cooperative military and community planning, growth conflicts can be anticipated, identified, and prevented. In an effort to deal with encroachment concerns, DOD established in its department of the Navy and Air Force the Air Installation Compatible Use Zone (AICUZ) program, and in the Army the Installation Compatible Use Zone (ICUZ) program [now called the Installation Environmental Noise Management Program (IENMP)]. These programs provide information to local governments about noise and accident potential generated by base operations and encourage communities to adopt land-use controls that ensure compatible development in areas adversely affected by military installations.

Given the success of these programs, DOD developed the Joint Land Use Study (JLUS) program, which promotes the incorporation of AICUZ/ICUZ findings into local plans and zoning codes. As an incentive for communities to participate in a joint planning process, the Office of Economic Adjustment (OEA) offers technical and financial assistance in the form of community planning assistance grants to state and local governments to conduct Joint Land Use Studies. Recommendations made in these studies assist local jurisdictions in the development and implementation of land-use controls to make development around a military installation compatible with both the military's mission and the development needs of the community.

## **Conclusion—Encroachment Can Be Alleviated Through Growth Management**

If sprawl is controlled and growth well managed, then encroachment is prevented. Governors can address encroachment concerns by supporting improved land-use practices that promote economic development, safeguard natural resources, and maintain a community's quality of life. Although many elements of land-use planning are exercised by local government, states can provide guidance on how to address complex land-use issues. States have the ability to encourage or facilitate increased communication and cooperation between their departments and local governments and, in many cases, between local governments within a certain region. States also can use state spending to steer land-use practices.

A handful of states have established model land-use codes for consideration by local governments that offer a comprehensive and unified approach to local planning. Maryland, Minnesota, Oregon, Rhode Island, Wisconsin,

Utah, and Colorado have created model codes that support better land-use practices, while also providing communities with the flexibility to respond to local needs. Although these codes have not yet addressed encroachment, they offer an opportunity to address this issue, especially as more states develop model codes.

As Arizona has done, states can support the adoption of land-use plans and zoning regulations that are compatible with the high noise and accident potential generated by military operations. One approach is to designate areas surrounding military installations as “areas of critical state concern” and afford them special protection from uncontrolled growth and development. Another approach, which might be implemented through a governor’s executive order, is to avoid providing state funds that contribute to encroachment, such as for school or highway construction.

A community’s efforts to grow and thrive can—and for the good of our nation must—coexist with the military’s mission of training and operational readiness. A comprehensive and long-term approach to compatible land use that applies local smart growth tools can balance community development with the military’s responsibility to protect our nation in an effective manner. In the aftermath of September 11, 2001, balancing the war on terrorism and homeland security needs with civilian and military land uses is more important than ever.

## Endnotes

<sup>1</sup> GAO Report, “Military Training: DOD Lacks a Comprehensive Plan to Manage Encroachment on Training Ranges,” GAO-02-614, June 2002.

<sup>2</sup> The national “direct military spending” and “civilian expenditure” figures are for the year 2000 and are calculated by the Bureau of Economic Analysis at the U.S. Department of Commerce.

<sup>3</sup> This information can be found in a report prepared by The Maguire Company, entitled “Economic Impact of Arizona’s Principal Military Operations,” released in May of 2002; a study prepared by Fishkind and Associates, entitled “Economic Impacts of Military Base Activity in Florida,” released in March of 1998; and in SB 1468, the “Military Readiness” bill passed by the California State Legislature in August of 2002.

<sup>4</sup> The “gross state product” and “federal military spending” figures in this paper are for the year 2000 and are calculated by the Bureau of Economic Analysis at the U.S. Department of Commerce. The “economic impact” estimates, calculated by using a multiplier, can be found in a report prepared by The Maguire Company, entitled “Economic Impact of Arizona’s Principal Military Operations,” released in May of 2002. The multiplier is a ratio which measures the ripple effect that an initial expenditure has on the economy. Multipliers are commonly used in economic impact studies and vary based on the selected study methodology.

<sup>5</sup> Governor of Arizona News Page; Phoenix - March 28, 2001.

<sup>6</sup> The “economic impact” estimates can be found in SB 1468, the “Military Readiness” bill passed by the California State Legislature in August of 2002. The military personnel and installation data can be found in a study by the University of California, Berkley, entitled “Forecasting and Mitigating Future Urban Encroachment Adjacent to California Military Installations,” prepared in June of 2001, as well as in SB 1099, the California Defense Retention and Conversion Act of 1999.

<sup>7</sup> The “economic impact” estimates can be found in a study prepared by Fishkind and Associates, entitled “Economic Impacts of Military Base Activity in Florida,” released in March of 1998.

<sup>8</sup> Governor of Florida News Page, Tyndall Air Force Base – August 28, 2001.

<sup>9</sup> The “economic impact” figure is an estimate by the Aurora Chamber of Commerce and the employment information is provided by the Aurora Economic Development Council.



# Issue Brief

Natural Resources Policy Studies  
Contact: Tara A. Butler, 202/624-5357  
[tbutler@nga.org](mailto:tbutler@nga.org)  
March 2003

## State Strategies to Address Encroachment at Military Installations

Across the nation, military installations are threatened by civilian encroachment. Incompatible residential and commercial development patterns surrounding military bases can jeopardize an installation's mission. When development increases near and around military bases, land-use conflicts arise between mission activities and local communities. Encroachment can threaten public safety and livability because people located near bases are potentially exposed to artillery fire, aircraft noise, dust, and even accidents. Ultimately, bases could close if encroachment restricts training and operational missions.

Military installations are often critical to state economies generating thousands of jobs and billions of dollars in economic activity and tax revenue, so states and localities are taking steps to address encroachment including:

- crafting legislation that requires compatible land use;
- passing zoning, planning, and noise requirements;
- using statutory language to designate military installations as areas of critical state concern;
- acquiring property surrounding military installations; and
- creating state military advisory bodies.

### Background

Civilian encroachment around military installations is beginning to restrict and even eliminate testing and training activities in many locations. Eighty percent of our nation's military installations are experiencing urban growth at a rate higher than the national average.<sup>1</sup> Communities located near bases can be exposed to artillery fire, aircraft noise, dust and accidents. When urban growth and development increase near and around military

Online version of this issue brief can be accessed at:  
<http://www.nga.org/cda/files/032403MILITARY.PDF>

bases, so do land-use conflicts between mission activities and local communities. For instance, many military airports conduct night training exercises. The city lights of encroaching development can compromise the effectiveness of night vision equipment, making night training exercises impractical.

By threatening base operations, encroachment also jeopardizes jobs and tax revenue. The military plays a significant economic role at the state and local level. Military installations are often critical to state economies, accounting for thousands of jobs and for generating billions of dollars in economic activity and tax revenue. They can be even more critical to local economies. For further background on encroachment of military installations, see NGA's *Issue Brief*, "[Military Installations Pressured by Sprawl](#)."<sup>2</sup>

### **How States are Responding to Encroachment**

Encroachment is a rising problem in many states. Incompatible development around military installations and under air routes used by the military compromises the missions of installations across the nation. States can protect their military bases by:

- crafting legislation that requires compatible land use;
- passing zoning, planning, and noise requirements;
- using statutory language to designate military installations as areas of critical state concern;
- acquiring property surrounding military installations; and
- creating state military advisory bodies.

### **Crafting Legislation that Requires Compatible Land Use**

A handful of states, including **Arizona**, **California**, and **Oklahoma**, are experiencing rapid development of land near military installations and have passed specific legislation to protect their military installations from encroachment.

**Arizona** has emerged as a national leader in protecting its bases from encroachment by passing a series of laws that require compatible land use around the state's four military airports. These laws enforce planning, zoning, and noise requirements.

In 1995 the state passed a law to address the concern of residential encroachment around Arizona's military airports by requiring all surrounding political subdivisions to adopt land-use plans and enforce zoning regulations that ensure compatible development.<sup>3</sup> Another law, passed in 2000, placed enforcement of this statute with the attorney general.<sup>4</sup> It also required political subdivisions with territory within the vicinity of a

military airport to submit biyearly reports demonstrating compliance. Civil penalties were established for noncompliance. However, the Home Builders Association of Central Arizona claimed the statute lacked clarity as to what was considered compatible under local land-use plans.

In 2001 then Governor Jane Dee Hull signed the Preservation of Military Airports Act, which clearly prohibits residential housing located on land surrounding a military airport, but allows wastewater treatment facilities and agricultural operations.<sup>5</sup> The act also mandates that a city, town, or county containing territory within the vicinity of a military airport provide those airports with the opportunity to comment on land use surrounding their installation. The statute further requires the adoption of land-use plans and zoning regulations that are compatible with the high noise and accident potential generated by military airport operations. For example, to address noise concerns, the act mandates that sound attenuation standards be incorporated into all local building codes. It also requires that developers provide proper and timely notice of noise-sensitive uses to prospective buyers of land in areas surrounding military airports. In 2002 Arizona passed another military airport preservation law that further elaborates on land-use compatibility and prohibits new school construction in accident-potential and high noise zones.<sup>6</sup> Additional legislation appropriates funds to support the development of comprehensive land-use plans.

Although Arizona laws currently only apply to military airports, they are a model of how states can influence and encourage compatible development around military installations.

**California** also passed laws to curb urban encroachment of military installations. The first step was creating the California Conversion and Retention Council which oversees efforts to minimize base closures and is preparing a study on long-term protection of land adjacent to military installations.<sup>7</sup>

In 2002 the state passed a law requiring cities and counties to consider the impact of new growth on military readiness when preparing zoning ordinances or designating land uses covered by the general plan for land adjacent to military facilities or underlying designated military aviation routes and airspace.<sup>8</sup> An advisory planning handbook is planned for local officials, planners, and builders to explain how to reduce land-use conflicts between civilian development and military readiness activities. The act also encourages cooperation between military bases and local planning entities when developing strategies to address growth.

The limitations of this statute lie in its funding provisions and lack of enforceability. Only towns that receive federal funding from the U.S. Department of Defense must consider the impact of development on military

readiness. If funding cannot be secured, many of these localities may not have the financial capacity to conduct impact studies and draft growth regulations.

In **Oklahoma**, civilians live only one mile from the weapons range target zone at Fort Sill. As a result, critical firing ranges have been abandoned.<sup>9</sup> To address this concern, then Oklahoma Governor Frank Keating signed a law based on suggestions from the U.S. Air Force Air Installation Compatible Zone Study.<sup>10</sup> Recommendations from these kinds of studies often assist local jurisdictions in developing and implementing land-use controls to make development around a military installation compatible with both the military's mission and the development needs of the community.

The act restricts use of property within five miles of a military installation that may be hazardous to aircraft operations. Under the provisions of the statute, prohibited or restricted land uses include the release into the air of any substance that would impair visibility, the production of light emissions that would interfere with pilot vision, activities that attract birds or waterfowl, and construction of any structure located within 10 feet of aircraft approach or departure. Minimal residential development is allowed but is limited to single-family use on tracts of one acre or more. Residential construction is regulated and inspected under municipalities' existing building permit and inspection ordinances and procedures. The shortcoming of this law is that it does not require a municipality to enact an ordinance enforcing these provisions.

### **Passing Zoning, Planning, and Noise Requirements**

Municipal and county governments often are the first to act when encroachment of their military bases becomes a problem. Localities have responded to encroachment concerns with a variety of approaches, such as establishing strategic land-use plans, with accompanying implementation and enforcement mechanisms, and amending local zoning codes.

Some states promote compatible land use around their military installations by encouraging local governments to anticipate future urban growth patterns. This can be accomplished by creating a strategic land-use plan that prevents encroachment near military installations, establishes and requires disclosure of high noise and accident potential zones near military installations, and develops zoning codes that support compatible development of land located within these zones. If enforced, local zoning ordinances and land-use codes can ensure the compatibility of land surrounding a military installation.

There are certain areas within the Aurora, **Colorado**, city boundaries that are subject to high aviation noise levels and potential crash hazards generated by aviation activities. To curb incompatible development

surrounding Buckley Air Force Base, the city drafted a zoning code that regulates new structures built within airport districts. The most dangerous areas are "clear zones" where the accident potential is so great that all land uses are prohibited. In "accident-potential zones," land use is regulated to reduce hazards in areas characterized by high noise levels and significant potential of crashes. These zones restrict nearly all residential and commercial land use.

Several **Florida** counties are addressing encroachment of military installations in their local land use code. Escambia County, home to Pensacola Naval Air Station, has a land development code that creates various levels of accident potential and noise zones. The code sets forth specific compatible land uses for each zone. Santa Rosa County has a similar code that establishes standards for land use around Eglin Air Force Base.

In **Maryland**, the Saint Mary's County Board of Commissioners reached an agreement with a private developer to protect the Patuxent River Naval Air Station. The agreement prevents the residential development of land adjacent to the installation, but allows certain retail and commercial development. The county reserved the right to purchase all or part of the land in question up to 1.5 years after the agreement was reached.

Some states already have airport zoning code language in place. For example, **North Carolina** has a model airport zoning act that protects commercial airports.<sup>11</sup> Although most airport zoning codes are designed to protect commercial airports, they can be used by local government as a model when drafting language to protect military airports.

The U.S. Department of Defense (DoD) offers planning assistance to states and localities that want to address encroachment of military installations. DoD programs provide information to local governments about noise and accident potential generated by base operations and the department encourages communities to adopt land-use controls that ensure compatible development in areas adversely affected by military installations.<sup>12</sup> As an incentive for communities to participate in a joint planning process, the Office of Economic Adjustment (OEA) offers technical and financial assistance through community planning assistance grants to state and local governments to conduct joint land use studies. Recommendations made in these studies assist local jurisdictions in the development and implementation of land-use controls to make development around a military installation compatible with both the military's mission and a community's development needs.

## Using Statutory Language to Designate Military Installations as Areas of Critical State Concern

Several states have existing statutory language that protects areas of statewide importance. Development within these regions, often called “areas of critical state concern” (ACSC),<sup>13</sup> is monitored by local governments and/or state agencies to ensure that the use is compatible with the land’s unique traits. In most cases, local governments draft plans that are consistent with the state plan and then apply to a state land development agency for permission to develop within these areas. The majority of the lands protected under ACSC statutes are environmentally sensitive regions such as wetlands, aquatic preserves, and wilderness areas. States with ACSC statutes to protect ecological resources include **California, Florida, Maine, Maryland, Massachusetts, Minnesota, Nevada, New Jersey, North Carolina, South Carolina, Vermont, Virginia, and Wyoming.** Some ACSC laws protect other important state areas with rail service, archeological and historic sites, scenic areas, and recreational land.<sup>14</sup> To date, no state has used such statutory language to protect military installations, but NGA believes it is an option worthy of consideration.

**Florida’s** land development code requires local cities and counties to be consistent with state development and land-use policies. In addition, the Environmental Land and Water Management Act requires state approval of major development proposals. This statute permits the governor and cabinet to designate up to 5 percent of state land as ACSC, which prevents unsuitable development that would endanger resources of regional or statewide significance.<sup>15</sup> The act ensures orderly and well-planned growth by regulating development in these areas. The state has the authority to review and revise local government comprehensive plans and land development regulations to ensure that critical state land is adequately protected. In the Florida statute, one of the areas that qualifies for ACSC protection is:

An area having a significant impact upon, or being significantly impacted by, an existing or proposed major public facility or other area of major public investment including, but not limited to, highways, ports, airports, energy facilities, and water management projects.<sup>16</sup>

A military installation could fall under the category of “public facility or other area of major public investment,” which would qualify it for an ACSC designation. Reliable highway, railroad, or port infrastructure are essential to many base operations. When this infrastructure is built or modernized, it is often shared by the public and benefits the surrounding communities. Because military installations are facilities that serve as a major public investment, they could be protected under the ACSC statute; however, Florida has not exercised this law to protect military bases. Although Florida has not ruled out this approach, it is still exploring other options.

The **Colorado** Land Use Act encourages local governments to designate "areas and activities of state interest" that include "areas around key facilities in which development may have a material effect upon the key facility or the surrounding community."<sup>17</sup> The act defines a key facility as an airport or major public utility facility, such as central office buildings of telephone facilities, power plants, natural gas storage areas, etc.

The following criteria apply to areas around key facilities:<sup>18</sup>

- (a) If the operation of a key facility may cause danger to public health and safety or to property, as determined by the local government, the area around the key facility shall be designated and administered so as to minimize the danger; and
- (b) Areas around key facilities shall be developed in a manner that will discourage traffic congestion, incompatible uses . . . .

In addition, areas around airports shall be administered so as to:

- (I) Encourage land-use patterns of housing and other local government needs that will separate uncontrollable noise sources from residential and other noise-sensitive areas; and
- (II) Avoid danger to public safety and health or to property due to aircraft crashes

The provisions in the Colorado Land Use Act provide a good foundation to protect a state's military installations. The statute's incorporation of the phrase "facilities shall be developed in a manner that will discourage traffic congestion and incompatible uses" is vital to the protection of military installations. The act also specifically discourages land-use patterns of housing that would be subject to uncontrollable noise or the potential of danger due to aircraft accidents. This language is very similar to the Arizona and Oklahoma bills referenced earlier which explicitly protect military airports.

To date, military installations have not been designated as areas of state interest by the Colorado Land Use Commission or a Colorado local government; however, the act could be amended to include a military installation in the definition of a key facility. Another approach is to evaluate whether a military installation qualifies as a key facility on a case-by-case basis by balancing the dangers and advantages that would result from incompatible development. Under this test, military installations could qualify for protection.

**Maryland** also has statutory language protecting valuable land:

An Area of Critical State Concern is a specific geographic area of the State which, based on studies of physical, social, economic, and governmental conditions and trends, is demonstrated to be so unusual or significant to the State that the Secretary designates it for special management attention to assure the preservation, conservation, or utilization of its special values.<sup>19</sup>

Protected areas fall into four classes: tidal wetlands, non-tidal wetlands, protection and enhancement of rail service, and special areas. Maryland could argue that their military installations are special areas. The statutory language indicates that land can receive ACSC protected status based on economic studies that indicate it is significant to the state.

Wyoming's Land Use Planning Act empowers the state land-use commission to identify and establish guidelines to protect areas that are of "critical or more-than-local concern." The commission also assists local governments with the planning and regulation of development in these areas. According to the act:

"Areas of critical or more-than-local concern" mean those areas defined and designated by the commission where uncontrolled growth or incompatible large scale development could result in damage to the environment, life or property, where the short- or long-term interest is of more than local significance.<sup>20</sup>

Eligible areas include historic, renewable resource, and natural hazard lands; however, the act also protects "additional areas that the commission determines to be of more than local concern." Thus, the statute provides the state land-use commission with broad latitude when selecting areas it believes need protection.

**Hawaii** also allows for a broad interpretation of protected state lands. According to Hawaii law,<sup>21</sup> the office of planning is responsible for identifying and analyzing significant issues, problems, and opportunities confronting the state; and for formulating strategies and alternative courses of action in response to identified problems and opportunities. The first task in their strategic planning directive is to provide in-depth policy research, analysis, and recommendations on existing or potential areas of critical state concern.

Hawaii does not establish any criteria that must be applied when considering what land deserves ACSC protection. The state planning office could assess the importance of its military installations and identify the threat of encroaching development.

### ***Using ACSC Statutes to Protect Military Installations***

The American Law Institute's *Model Land Development Code*<sup>23</sup> and the American Planning Association's *Growing Smart Legislative Guidebook*<sup>24</sup> offer model ACSC language that could be used as a statutory foundation for states that want to incorporate these provisions into their own codes. Although states have not yet declared military installations as ACSC, these land-use policies could serve as meaningful tools to address encroachment. There are states, such as Maryland and Hawaii, where the requirements to be an ACSC are fairly broad and do not preclude the current protection of military bases. Other states could incorporate model language or fine-tune the existing ACSC language to include specific protection for military installations.

### **Acquiring Property Surrounding Military Installations**

A handful of states and localities have decided to ensure compatible land use by acquiring the land surrounding military installations. State government can accomplish this several ways, including purchasing the land, partnering with conservation groups, and exchanging or trading land.

#### ***Purchasing the Land***

**Arizona, Florida, Oklahoma, and Nevada** have purchased—or are in the process of purchasing—land around a number of their bases. The first goal was to identify what land was needed to effectively prevent encroachment. The next step was to secure funding. Private funding as well as local, county, state, and federal dollars can be used.

**Oklahoma** voters recently approved a \$50-million bond to purchase private property around Tinker Air Force Base to increase the runways' safe zone. The bond will raise property taxes \$2 a month for 10 years on a home valued at \$100,000. The cost to the average homeowner will be less than \$20 a year.<sup>25</sup>

**Florida** allows the use of local taxes to finance the purchase of land. The Tourist Impact Tax,<sup>26</sup> which must be approved by referendum, can be imposed on transient rental transactions at the rate of 1 percent. Counties may use these tax revenues to purchase ACSC. If Florida were to designate land surrounding military installations as ACSC, the Tourist Impact Tax could help finance the purchase of the land.

Some states allocate funding to buy land surrounding an encroached installation. For example, **Florida** has a grant program to support its military installations. Established in 1999 by Governor Jeb Bush, and funded by the state legislature, the Defense Infrastructure Grant Program helps improve military base infrastructure and provides dual-use benefits to localities throughout Florida. The program has received steady support from the legislature, which has joined with Governor Bush to ensure that the state's military facilities are as strong as

possible. Recently, Governor Bush and his cabinet approved the purchase of 187 acres of land near Pensacola Naval Air Station. The acquisition will cost \$1.2 million dollars—the state will pay \$1 million and Escambia County will contribute \$238,000.

Some states have partnered with private and nonprofit organizations to purchase land. **Arizona** and the city of Glendale have been working with private groups and coalitions to raise funds to purchase land around Luke Air Force Base.

Federal funding is also an option to help defray the cost of acquiring land. Nevada received approximately \$40 million in federal funds that they will use to procure 413 acres around Nellis Air Force Base.<sup>27</sup> **Arizona** received an earmark in the 2003 Military Construction Appropriations bill that allocates \$13 million to Luke Air Force Base that can be used for land acquisition. States can also receive federal assistance under the Farmland Protection Act of 2001 to pay farmers for development rights, thereby preserving agricultural space and preventing encroachment of nearby military installations.

#### ***Partnering with Conservation Groups***

Partnering with conservation groups or land trusts is another approach to acquire land. The National Defense Authorization Act for Fiscal Year 2003<sup>28</sup> allows the Secretary of Defense to enter into agreements with land preservation groups to acquire or accept, on a cost-shared basis, property around a military installation to “address the use or development of real property that would be incompatible with the mission of the installation.” This can be a win-win situation for both the installation and the conservation group—the land is protected as a natural habitat and the military base is protected from development encroachment.

**Arizona** has expressed a strong interest in participating in this initiative.<sup>29</sup> The Trust for Public Land, a national nonprofit conservation organization, is considering partnering with political subdivisions and the private sector to purchase land around Luke Air Force Base’s southern departure corridor. This initiative has the support of the Home Builders Association of Central Arizona. The total area comprises more than 6.2 million acres—an area twice the size of Connecticut.<sup>30</sup>

The partnership between **North Carolina’s** Fort Bragg and the Nature Conservancy is a good example of a military installation partnering with a conservation group. These two groups joined forces under the Private Lands Initiative program to purchase conservation easements on land that surrounds the military installation. The Nature Conservancy’s goal is to protect the habitat of the red-cockaded woodpecker. Fort Bragg, the largest army base in the country, wants to prevent incompatible development so that they can maintain their

mission. Under this mutually beneficial agreement, the "Partnership" owns the land and the Army manages it. To date, the Army has committed \$9.4 million and the Nature Conservancy has pledged \$7 million. These groups are working on a similar agreement for Camp Lejeune.

On the federal level, a cooperative agreement exists between the U.S. Department of Defense and the Nature Conservancy that establishes a policy of cooperation and coordination to identify, document, and maintain biological diversity on defense installations.<sup>31</sup> Establishing a joint venture between a military installation and a conservation or preservation group is a good way to address encroachment. Forging these partnerships is an effective tool both financially and environmentally to prevent incompatible development from threatening the installation and the surrounding natural resources.

Land trusts play an important role in conservation protection; they have permanently protected land in all 50 states. A common tool land trusts use is conveyance of a conservation easement. A conservation easement is a legal agreement that permanently restricts the development or use of land. For example, a land trust could purchase the development rights for a piece of land. Under a conservation easement agreement, the landowner could continue to own the land, but would be subject to restrictions regarding use of the land, such as farming or recreation.

Buying land is an expensive endeavor; however, purchasing the development rights for land is often affordable. Purchase of development rights (PDR) to protect land surrounding military installations is a viable alternative to purchasing the land in its entirety. Moreover, if an entity wants to protect military installations, they need only prevent development of "incompatible uses" rather than all development. Some types of development are compatible with the activities of military installations, such as certain commercial, industrial, and agricultural uses. Restricting residential development may only be a portion of an area's development potential. Thus, the cost of buying the development rights for uses incompatible with a military installation's mission could be a fraction of a conventional PDR agreement.

### ***Exchanging or Trading Land***

Because purchasing the land surrounding a military base is often a financial challenge, some states are exploring other options, such as a land exchange. Offering private property owners land elsewhere in the state for land upon which development could encroach upon a military installation is an innovative way to deal with incompatible development concerns. Arizona voters recently considered a proposition to encourage land exchanges among private property owners, the state, and the federal government.<sup>32</sup> This proposition could have been used to prevent development around Luke and Davis Monthan Air Force Bases and the Yuma Marine

Corps Air Station. Then Governor Jane Dee Hull strongly supported the proposition, reasoning that it could be a valuable means of preserving military bases. The Nature Conservancy also supported the initiative asserting that it would help consolidate management responsibility under one owner. On the other hand, the Grand Canyon Chapter of the Sierra Club and the Arizona League of Conservation Voters opposed the proposition arguing it lacked adequate public review. This initiative failed by the slimmest of margins—49.2 percent in favor and 50.8 percent opposed. The measure will likely appear again on the 2004 ballot with the new title of “military base preservation initiative.” Despite the fact that it is not currently in use, this system could be applied by other states.

Current Arizona law allows the state to assist a landowner in trading private land, such as property surrounding a military installation, for federal government land. Under the proposed land trade program, the state could take the arrangement one step further and exchange state trust land for the land surrounding the military installation that the federal government has obtained.<sup>33</sup> An added benefit to these agreements is that the state can lease the land to farmers and deposit the generated income into the state trust.

These agreements balance the needs of all parties. The federal government gets land to preserve open space, the state receives land they can use to protect military bases, and the private landowner acquires property free from the impacts of military training and operations.

### **Creating State Military Advisory Bodies**

Many states have established military advisory groups to facilitate discussions among stakeholders, such as the executive branch, the state legislature, congressional representatives, local and county governments, military base commanders, business interests, and landowners. The main objective of many of these commissions is to protect state military installations from closure, most immediately under the next round of Base Realignment and Closure (BRAC) in 2005. Preventing incompatible encroachment around military bases is a priority for many commissions, because encroachment is considered in base closure decisions.

The **California** Defense Retention and Conversion Council oversees efforts to minimize base closures. The group is currently asking the state legislature to revise existing disclosure laws to include training at military installations as one of the activities that generates noise around residential development. Under current California law, homebuyers are required to sign a disclosure that informs them that the home they intend to purchase is in close proximity to a military installation. Unfortunately, this disclosure law is not enforced on a regular basis.

The **Texas** Strategic Planning Commission was established to protect the positive economic impact of the military and defense industry in Texas. The commission partners with local community leadership and defense industries to promote an agenda that best supports Texas defense communities. The commission recently released a Master Plan Report for the Texas Defense Communities that recognizes “new construction and takeoff and landing flight paths, within low-level air training routes, near maneuver areas, and in proximity to explosive training areas, has caused the military to scale back and adjust necessary training.”<sup>34</sup> The commission has urged state and local communities to address encroachment concerns so that the missions of the military installations are not compromised. The report presents recommendations for legislative action.

The **North Carolina** Advisory Commission on Military Affairs also is concerned with urban and community encroachment and the mission readiness of the state’s military installations. The commission has convened representatives from the state’s military bases; local government officials; chambers of commerce representatives; economic development professionals; and environmental, educational, and community leaders to discuss the challenges of encroachment and how to preserve and protect the interests of military installations and base communities. With the support of the governor’s office, NGA collaborated with the commission in sponsoring a multistakeholder conference on encroachment in January 2003.

The **Georgia** Military Affairs Coordinating Committee (GMACC) works to improve the mission value of the state’s federal military installations and the quality of life of the people who live and work there. During the past two years, it has conducted an evaluation of each base and developed a comprehensive action plan to address any shortcomings identified. The plan, reviewed semiannually, is a living document because information changes as issues are resolved or new issues surface. Following the examples of Arizona, California, Florida, and others, and working with the U.S. Department of Defense Office of Economic Adjustment, the governor, general assembly, and GMACC are determining which mitigation options are best suited for Georgia.

At the local level, the 21<sup>st</sup> Century Partnership is a nonprofit organization funded by individuals and organizations committed to ensuring the continued viability of Robins Air Force Base. The partnership is updating a study on encroachment and other issues that could affect current or future installation missions. This study will explore the concerns with physical obstructions as well as laws that restrict land and air access. Retired Air Force Major General Ron Smith recently issued a warning to the Partnership: “Robins has military value, but we need to take care of such issues as encroachment. If you have encroachment problems, your military value is about zero.”<sup>35</sup>

The **Virginia** Military Advisory Council is creating a forum of cooperation for the governor and the heads of the state's military installations. Governor Mark Warner recently released his Economic Development Strategic Plan, which includes the goal of protecting and supporting Virginia's military bases.

In **Florida**, the Florida Defense Alliance consists of various stakeholders and oversees the Defense Infrastructure Grant Program, which provides funds to purchase land surrounding military installations to curb encroachment.

In **Arizona**, the Southern Arizona Military Airspace Working Group provides a single point of contact for coordination on military issues arising from the development of civilian airports and military operations affecting civilian airports.<sup>36</sup> The group consists of the Arizona Airports Association, the Arizona Department of Transportation, Arizona's military facilities, and representatives from the cities of Glendale and Phoenix. Arizona also has a handful of groups that organize locally to prevent encroachment of the state's military bases. The Fighter Country Partnership consists of Arizona residents who desire to support the strategic mission of Luke Air Force Base. The Arizona Military Airports Regional Compatibility Project, whose members include local jurisdictions, military installation representatives, landowners, and other interested parties, is identifying land-use conflicts and developing compatible solutions to protect Arizona's military airports.<sup>37</sup>

### **No "One-Size-Fits-All" Solution to Encroachment of Military Installations**

There is no universal approach to preventing encroachment. The aim is not to stop growth, but to ensure that land uses in specified areas are compatible with the scope of military activities at a particular base. To achieve this, states have approached land-use issues for military bases in ways that best fit state and local views about land use, economic development, and private property rights. **Arizona** enacted legislation to ensure compatible land use around Luke Air Force Base. This clear, well-defined law is likely the most comprehensive encroachment-prevention plan in the nation. **North Carolina's** initiative to partner with conservation groups to acquire the land surrounding their military bases bypasses legislative, zoning, and regulatory control. It allows the state, locality, installation, and/or conservation group to choose the optimal future use of the land. Fine-tuning or amending already existing ACSC statutes is another possible option for states, because the legal framework may already exist to protect installations that are critical to the state or locality.

States may also want to ensure that there is an effective real estate disclosure requirement so all homebuyers and renters are informed about nearby military facilities and their potential impacts on residents. States and localities can also discourage encroachment by limiting infrastructure investments in areas close to military

installations. Restricting funding for sewer, road, school, and utility infrastructure can discourage incompatible development as long as it does not affect base needs. By using these two approaches states and local government could shift some incompatible development to more appropriate locations.

Below is a chart summarizing the five state approaches, including their pros and cons:

| Strategy  | State Use   | Parties Involved  | Pros  | Cons  |
|---|---|---|---|---|
| Crafting legislation to require compatible land use   | Arizona<br>California<br>Oklahoma                                       | State legislature<br><br>Governor   | Provides a clear, well-defined law that requires compatible land use  | Passing legislation is often a long, arduous process  |
| Passing zoning, planning, and noise requirements  | Colorado<br>Florida   | Local government<br><br>Military bases<br><br>Public  | Lets local government decide how best to approach the problem in their locality<br><br>Allows for detailed provisions that can be amended if necessary                            | Zoning and local land-use plans can be influenced by local special interest groups<br><br>Regulation can be resisted<br><br>Enforcement can be uncertain                |
| Using statutory language to designate military installations as protected areas of critical state concern | To date, no state has done this   | State legislature<br><br>Governor<br><br>Military bases   | Existing legal framework already exists in many states<br><br>Formally recognizes land surrounding military installations as needing protection                                   | Not all states have this statutory language in place<br><br>Amending a state statute requires legislative and executive approval  |
| Acquiring property surrounding military installation  | Arizona<br>Florida<br>Oklahoma<br>Nevada<br>North Carolina              | State<br><br>Local government<br><br>Military bases<br><br>Conservation group<br><br>Landowners             | Can bypasses legislative, zoning, and regulatory formalities<br><br>Nonregulatory<br><br>There are ways to avoid buying land<br><br>Allows local determination of future land use | Land purchase requires significant funds<br><br>Landowner must be willing to sell land or development rights, or trade<br><br>All parties must reach agreement on terms |
| Creating a state military advisory body   | California<br>Texas<br>North Carolina<br>Georgia<br>Virginia<br>Arizona | Governor<br><br>State<br><br>Local governments<br>Business community<br><br>Military bases<br><br>Residents | Serves as forum and unified voice for all stakeholders<br><br>Nonregulatory   | Does not have the authority to regulate or enforce  |

## Endnotes

<sup>1</sup> GAO Report, "Military Training: DoD Lacks a Comprehensive Plan to Manage Encroachment on Training Ranges," GAO-02-614, June 2002.

<sup>2</sup> For further information on civilian encroachment of military installations, see the National Governors Association's Center for Best Practices *Issue Brief*, "Military Installations Pressured by Sprawl" at <http://www.nga.org/cda/files/100802SPRAWL.PDF>.

<sup>3</sup> Arizona SB 1062 (1995).

<sup>4</sup> Arizona SB 1514 (2000).

<sup>5</sup> Arizona SB 1525 (2001).

<sup>6</sup> Arizona SB 1393 (2002).

<sup>7</sup> California SB 1099 (1999); Study: "Forecasting and Mitigating Future Urban Encroachment Adjacent to California Military Installations: A Spatial Approach," Institute of Urban and Regional Development, University of California, Berkeley (June 20, 2001).

<sup>8</sup> California SB 1468 (2002).

<sup>9</sup> Airborne Noise Encroachment Action Plan, 2000.

<sup>10</sup> Oklahoma HB 2115 (2002).

<sup>11</sup> North Carolina General Statutes, Chapter 63, Article 4.

<sup>12</sup> To deal with encroachment concerns, DoD established the Navy and Air Force Air Installation Compatible Use Zone (AICUZ) program, and the Army Installation Compatible Use Zone (ICUZ) program [now called the Installation Environmental Noise Management Program (IENMP)].

<sup>13</sup> Many states use this designation, although with varying titles, including (but not limited to):

**Areas of Critical State Concern:**

Maryland: Maryland Code: Title 5, Subtitle 6, Section 5-611.

Florida: Title XXVIII, Chapter 380, Section 380.05.

New Jersey: New Jersey State Plan, (IV.D.3.).

South Carolina: Code of Laws of South Carolina: Title 48, Chapter 39, Section 48-39-80 (B)(4).

Hawaii: Hawaii Revised Statutes, Chapter 225M, Section 2(b)(2)(A).

**Areas of Critical Concern:**

Minnesota: Minnesota Statutes, Chapter Title Critical Areas, Section 116G.02.

Oregon: Oregon Revised Statutes, Chapter 197, Section 197.405.

**Areas of Critical or More than Local Concern:**

Wyoming: Wyoming Statutes, Title 9, Chapter 5, Article 1, Section 102(a)(i).

**Areas of Greater than Local Concern:**

Washington: Washington Consolidated Land Use Code, Heading: Local/Regional Coordinating Board or Process.

**Areas of Statewide Significance:**

Illinois: Illinois Department of Natural Resources, Illinois Natural Areas Inventory, Technical Report (White, 1978).

**Scenic Areas of Statewide Significance:**

California: California Surface Mining and Reclamation Act of 1975, Chapter 9, Article 4, Section 2763.

New York: "Technical Memorandum: Identification of Scenic Areas of Statewide Significance in New York State" (Department of State, 1992).

**Areas and Activities of State Interest:**

Colorado: Colorado Revised Statutes, Title 24, Article 65.

**Areas of Critical Environmental Concern:**

Nevada: Nevada Revised Statutes, Chapter 321, Section 770.

Massachusetts: General Laws of Massachusetts, Part I, Title II, Chapter 21A, Section (2)(7).

**Areas of Environmental Concern:**

North Carolina: North Carolina General Statutes, Chapter 113A, Article 7, Part 3.

**Geographic Areas of Particular Concern:**

South Carolina: South Carolina 2001 Code of Regulations, Chapter 30, Section (D)(21).

**Fragile Areas:**

Vermont: Vermont States, Title, 10, Chapter 158, Section 6552.

<sup>14</sup> Rail service land (Maryland), land of cultural and esthetic value (Minnesota), archeological and historic sites (Florida), scenic areas and recreational land (California).

<sup>15</sup> Florida Statutes, Section 380.05.

<sup>16</sup> Florida Statutes, Section 380.05 (2)(c).

<sup>17</sup> Colorado Revised Statutes, Title 24, Article 65.

<sup>18</sup> Colorado Revised Statutes, Title 24, Article 65, 65.1-202 (4).

<sup>19</sup> Annotated Code of Maryland, Article 66B, Section 3.05(a)(1)(vii).

<sup>20</sup> Wyoming Statutes 9-8-102.

<sup>21</sup> Hawaii Revised Statutes, Section 225M-2 (b)(2)(A).

<sup>23</sup> American Law Institute (ALI), *A Model Land Development Code*, Article 7 (Philadelphia, Pa.: ALI, 1976).

<sup>24</sup> American Planning Association (APA), *Growing Smart Legislative Guidebook*, Chapter 5.

<sup>25</sup> Air Force Materiel Command Public Affairs Office Web page at [http://www.afmc.wpafb.af.mil/HQ-AFMC/PA/news/archive/2002/mar/Tinker\\_bondisue1.htm](http://www.afmc.wpafb.af.mil/HQ-AFMC/PA/news/archive/2002/mar/Tinker_bondisue1.htm).

<sup>26</sup> Florida Statutes, Section 125.0108.

<sup>27</sup> GAO Report, "Military Training: DoD Lacks a Comprehensive Plan to Manage Encroachment on Training Ranges," GAO-02-614, June 2002.

<sup>28</sup> National Defense Authorization Act (NDAA) for Fiscal Year 2003, Section 2811 (amending Chapter 159, 10 United States Code).

<sup>29</sup> Then Governor Jane Dee Hull letter to Senator John McCain, August 30, 2002.

<sup>30</sup> National Land Trust Census (September 2001).

<sup>31</sup> Cooperative Agreement, December 13, 1988, can be found at <http://corpslakes.usace.army.mil/employees/cecwon/pdfs/mou/tnc.pdf>.

<sup>32</sup> Arizona 2002, Ballot Proposition 101.

<sup>33</sup> Under Proposition 101, the private land need not be near a military installation. Any privately owned land could be exchanged under this initiative.

<sup>34</sup> Master Plan Report for the Texas Defense Communities, July 17, 2002.

<sup>35</sup> "General: Brace for 'mother of all BRACs' Reshaping of U.S. military could mean and end to RAFB depot," *The Telegraph*, Macon, Ga., December 20, 2002.

<sup>36</sup> City of Glendale, Arizona Press Release, December 3, 2002.

<sup>37</sup> For more information on the Arizona Military Regional Compatibility Project, go to: <http://www.azcommerce.com/CommunityPlanning/Compatibility.htm>.

## VISITOR REGISTRATION SHEET

Name of Committee

Date \_\_\_\_\_

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME

**FIRM OR AGENCY**

CPL AL AM COCK

FORT BRA 66

# RELAYS

DENR

JEFF LANE

## WOMBLE CARCYCLE

Jimmy Broughton

Womble Carlyle

JOHN MERITT

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TERRY D. LEE

NCBA

SAhn Poole

Ward a Smith

F. Doug Phelps

MC AC MR

John Bernat

Consultant

Kick Zechini.

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Lisa Martin

NC Home Builders Assoc.

Panc Meyer

NE Assoc. County Cnrs

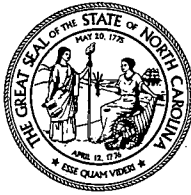
Susan Markham

NC Parts

Mark Fleming

University: Shelton

NORTH CAROLINA GENERAL ASSEMBLY  
STATE LEGISLATIVE BUILDING  
RALEIGH 27603



March 9, 2004

**MEMORANDUM**

**TO:** Members, Joint Select Committee on Military Affairs

**FROM:** Senator Cecil Hargett, Jr., Co-Chair  
Representative Ronnie Sutton, Co-Chair  
Representative Keith Williams, Co-Chair

**SUBJECT:** Committee Meeting Notice

There will be a meeting of the Joint Select Committee on Military Affairs:

DAY: Tuesday

DATE: March 23, 2004

TIME: 10:00 AM

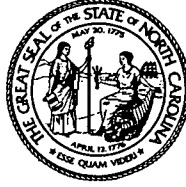
LOCATION: Room 1027, Legislative Building

Please advise Martha Hoover, Committee Assistant, at 715-3009, or e-mail [williamskla@ncleg.net](mailto:williamskla@ncleg.net) if you will be unable to attend.

Posted: 09-Mar-04

cc: Committee Record   x    
Interested Parties   x  





## **Joint Select Committee on Military Affairs**

### **Minutes**

**March 23, 2004**

The Joint Select Committee on Military Affairs met on Tuesday, March 23, 2004, at 10:00 a.m. in Room 1027 of the Legislative Building. The following members were present: the Co-Chairs: Senator Cecil Hargett, Jr., Representative Ronnie Sutton, and Representative Keith Williams; Senators Katie Dorsett, James Forrester, and Tony Rand, and Representatives Lorene Coates, Robert Grady, Charles Johnson, Marvin Lucas, and Louis Pate, Jr.

Representative Sutton presided. After calling the meeting to order and welcoming the members and staff, he opened the floor for a motion to approve the minutes. The motion was made and the minutes were approved as written.

#### **Presentation by Mr. Richard Rogers**

Chairman Sutton introduced the first speaker, Mr. Richard Rogers from the Office of Conservation and Community Affairs, Department of Environment and Natural Resources. A copy of Mr. Rogers' presentation slides, titled "Conservation & North Carolina Military Bases," is attached (Attachment 2). After presenting desired outcomes, Mr. Rogers discussed the following topics:

- Partners: the military bases, governmental agencies, and non-governmental organizations.
- Current conservation planning efforts around our military bases.
- Current and future conservation activities around military facilities.
- Keys to retaining and enhancing military operations through conservation.

In his summary, Mr. Rogers noted that progress is being made in the acquisition of land for compatible use around some of our military bases. He made the following recommendations:

- Continue to expand our partnerships in planning to ensure landowner and local government representation.
- Ensure existing state trust funds are fully funded.
- Identify funding to fill the gap for the protection of our working farms and forests.

At the conclusion of Mr. Rogers' presentation, there was a period of questions and comments, including some discussion regarding the availability of federal funds for land acquisition.

#### **Presentation by Mr. John Berndt**

As the next order of business, Chairman Sutton introduced Mr. John Berndt, Consultant to the Governor's Advisory Commission on Military Affairs (ACMA). A copy of his presentation slides, titled "Advisory Commission on Military Affairs: Recommendations on Encroachment at North Carolina

Military Bases," is attached (Attachment 3). Mr. Berndt also distributed a draft of the Commission's report titled "Strategic Plan," dated February 2004 (Attachment 4).

In his opening remarks, Mr. Berndt stated that the report from ACMA to the Governor was based on SWOT (Strengths, Weaknesses, Opportunities and Threats) priorities and JLUS (Joint Land Use Study) findings and recommendations. He then discussed the following six recommendations:

1. Require local governments to delineate "buffer zones."
2. Require real estate disclosure.
3. Require land use plans.
4. Require sound attenuation.
5. Limit infrastructure in buffer areas.
6. Acquire critical property.

Topics of discussion following Mr. Berndt's presentation included next steps for approval of the Commission's report and the criteria for determining "buffer zones."

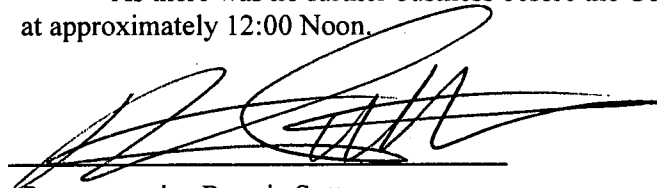
#### **Presentation by Mr. Charles Archer**

The Chair then introduced Mr. Charles Archer from the North Carolina League of Municipalities (NCLM). Mr. Archer stated that he was speaking on behalf of NCLM and the North Carolina Association of County Commissioners (NCACC). He added that he would touch on some key issues in the report issued by the two groups ("Local Government Military Base Advisory Committee Report"). He reminded the members that Mr. Paul Meyer of NCACC presented this report to the Committee at its first meeting.

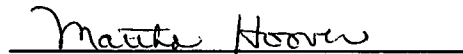
In reviewing the report, Mr. Archer stated that the Advisory Committee had grouped the identified issues into two categories: (1) Land Use Planning and (2) Other. He said the group concluded that the localities need flexibility to address the situation in their individual areas. Mr. Archer then summarized the group's recommendations, including specific actions requested from the North Carolina General Assembly. A copy of the report is available as Attachment 4 to the minutes for the February 19<sup>th</sup> meeting of this Committee.

During discussion following the presentations, several members suggested topics for Committee consideration. Representative Pate asked the staff for additional information on sound attenuation and on federal funding for land purchases. Senator Forrester requested that someone from the Lieutenant Governor's office address the Committee.

As there was no further business before the Committee, Chairman Sutton adjourned the meeting at approximately 12:00 Noon.



Representative Ronnie Sutton  
Presiding Co-Chair

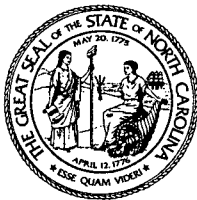


Martha Hoover, Clerk

Senator Cecil Hargett, Jr., Co-Chair  
Representative Keith Williams, Co-Chair

## **Attachments**

1. Agenda
2. Conservation and North Carolina Military Bases
3. Advisory Commission on Military Affairs: Recommendations on Encroachment at North Carolina Military Bases
4. Strategic Plan: North Carolina Advisory Commission on Military Affairs, February 2004 (DRAFT)



## **JOINT SELECT COMMITTEE ON MILITARY AFFAIRS**

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### **AGENDA**

March 23, 2004  
Room 1027, Legislative Building  
10:00 am

### **WELCOME AND INTRODUCTION**

Senator Cecil Hargett, Co-Chair  
Representative Keith P. Williams, Co-Chair  
Representative Ronnie Sutton, Co-Chair

- **Conservation Trusts – Richard Rogers, Director, Dept. of Conservation and Community Affairs, DEHNR**
- **Recommendations for Legislative Action – John Berndt, Consultant, Governor's Advisory Commission on Military Affairs**

### **Committee Discussion**

### **Instructions to Staff**

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# Presentations Joint Select Committee on Military Affairs Conservation & North Carolina Military Base

Richard Rogers

Dept of Environment and Natural Resources  
Office of Conservation and Community Affairs

*March 23, 2004*

# Conservation & Military Bases

## Outcomes

- Provides compatible use areas around our military bases
- Provides resource protection of water, land, animals and plants.
- Provides opportunity to retain important cultural heritage of the region.
- Provides opportunity to sustain and enhance the regions economy.

# Overview

- Partners
- Current Conservation Planning efforts around our military bases.
- Current and future conservation activities around military facilities.
- Keys to retaining and enhancing military operations in North Carolina through conservation.

# Partners

- Military Partners
  - Fort Bragg / Pope AFB
  - Camp MacKall
  - Camp Lejeune
  - Seymour Johnson AFB
  - MCB Cherry Point

# Partners

- Governmental Agencies
  - Clean Water Management Trust Fund
  - Natural Heritage Trust Fund
  - Wildlife Resources Commission
  - U.S. Fish & Wildlife
  - U.S. Forest Service
  - Department of Transportation
  - Department of Environment & Natural Resources

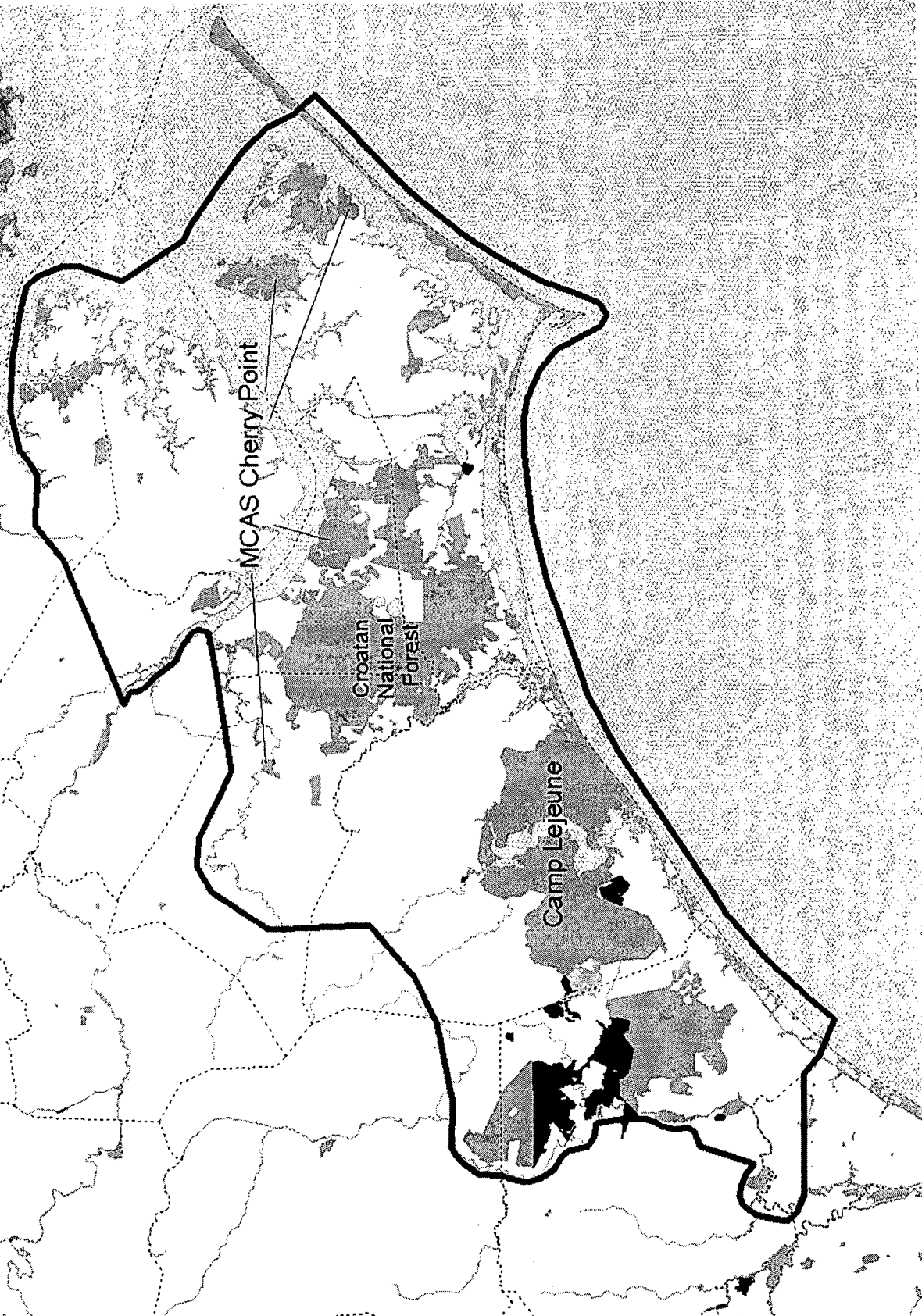
# Partners

- Non-Governmental Organizations
  - The Nature Conservancy
  - Sandhills Area Land Trust
  - NC Coastal Land Trust
  - The Conservation Fund
  - Land Loss Prevention Project

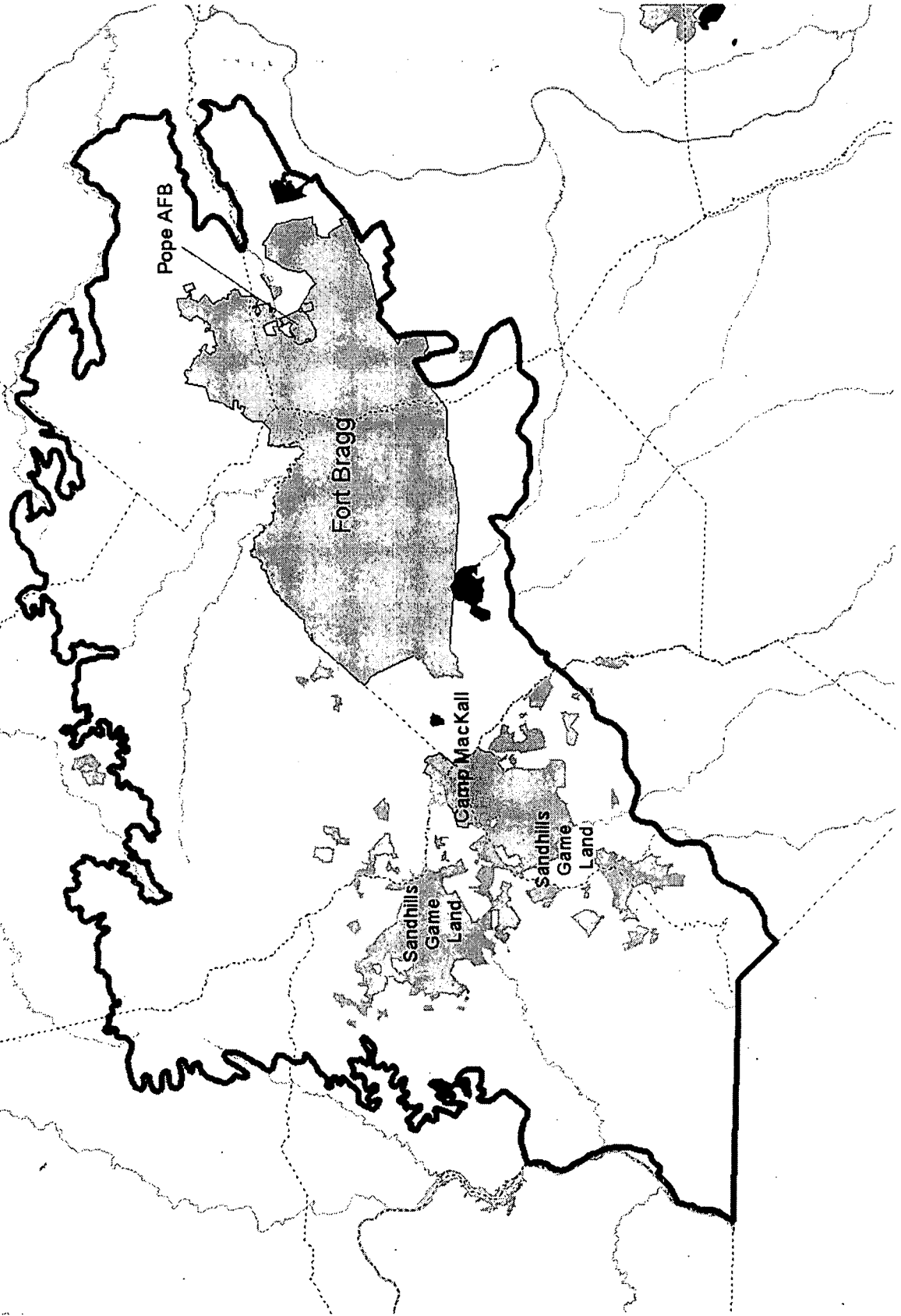
# Regional Planning Initiatives

- Onslow Bight Conservation Forum
- Sandhills Conservation Partnership
- Military & Agricultural Economic Security in Eastern NC

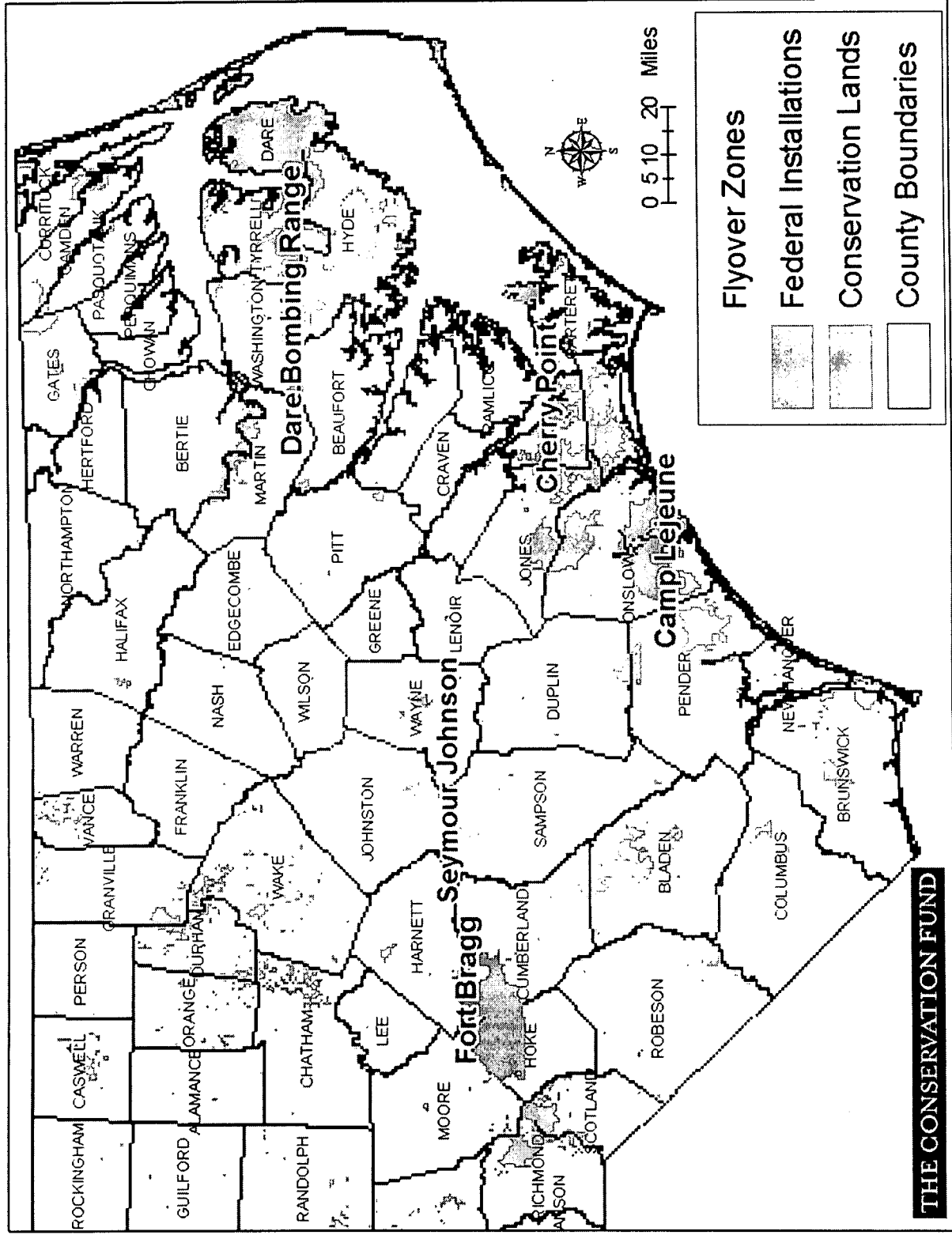
# Focus Area of Onslow Bight Conservation Forum



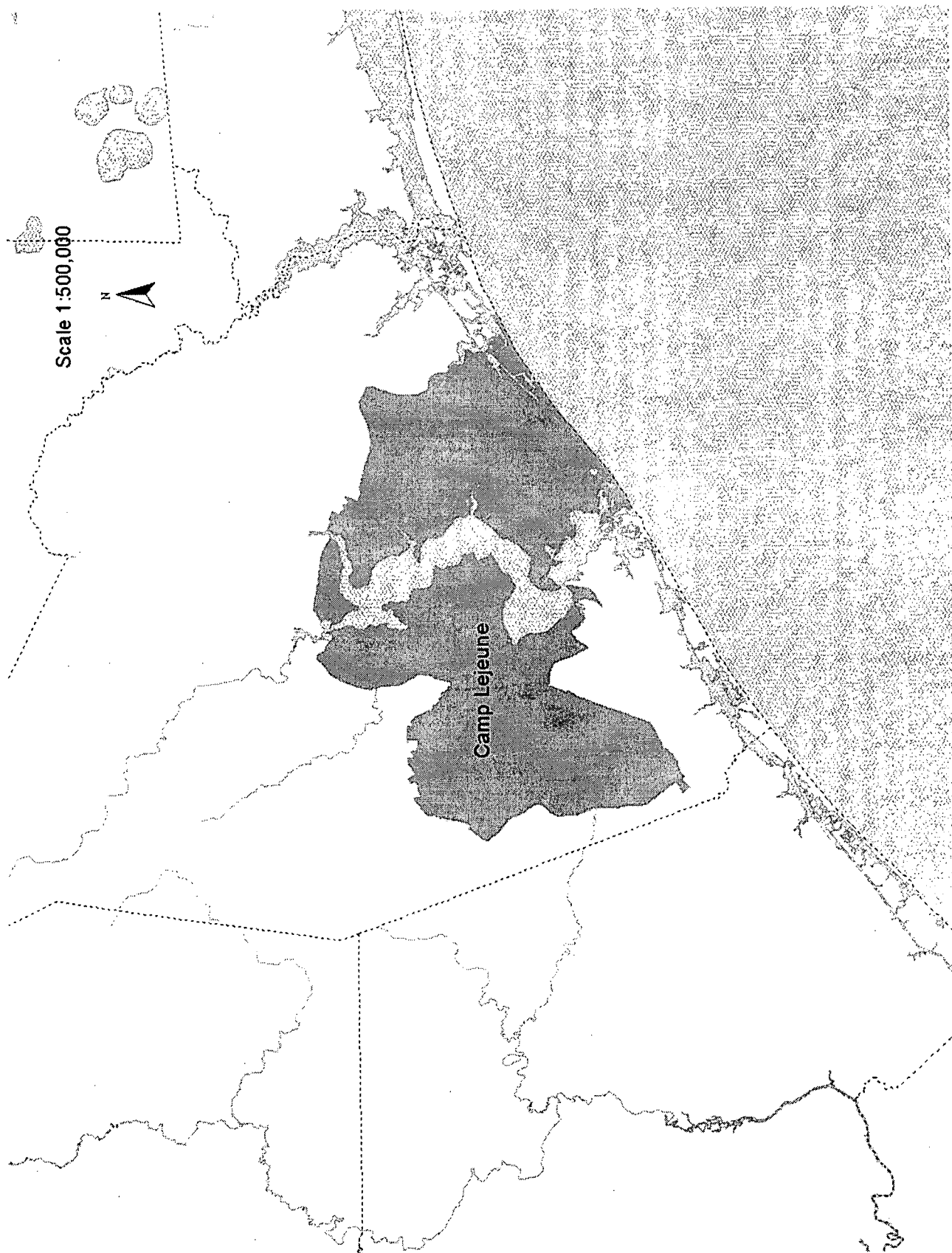
# Focus Area of Sandhills Conservation Partnership

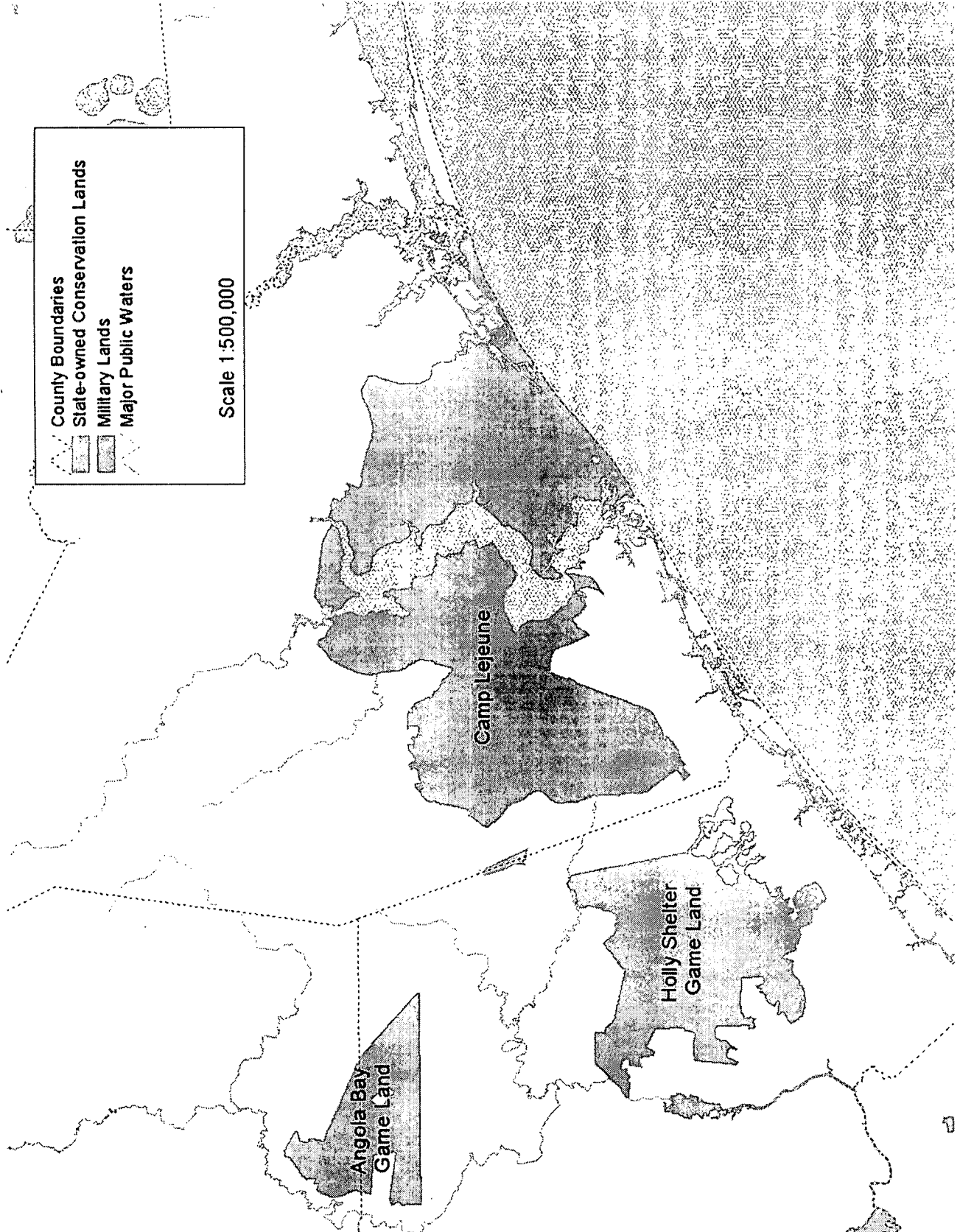


# Military & Agricultural Economic Security in Eastern NC



CAMP LEJEUNE





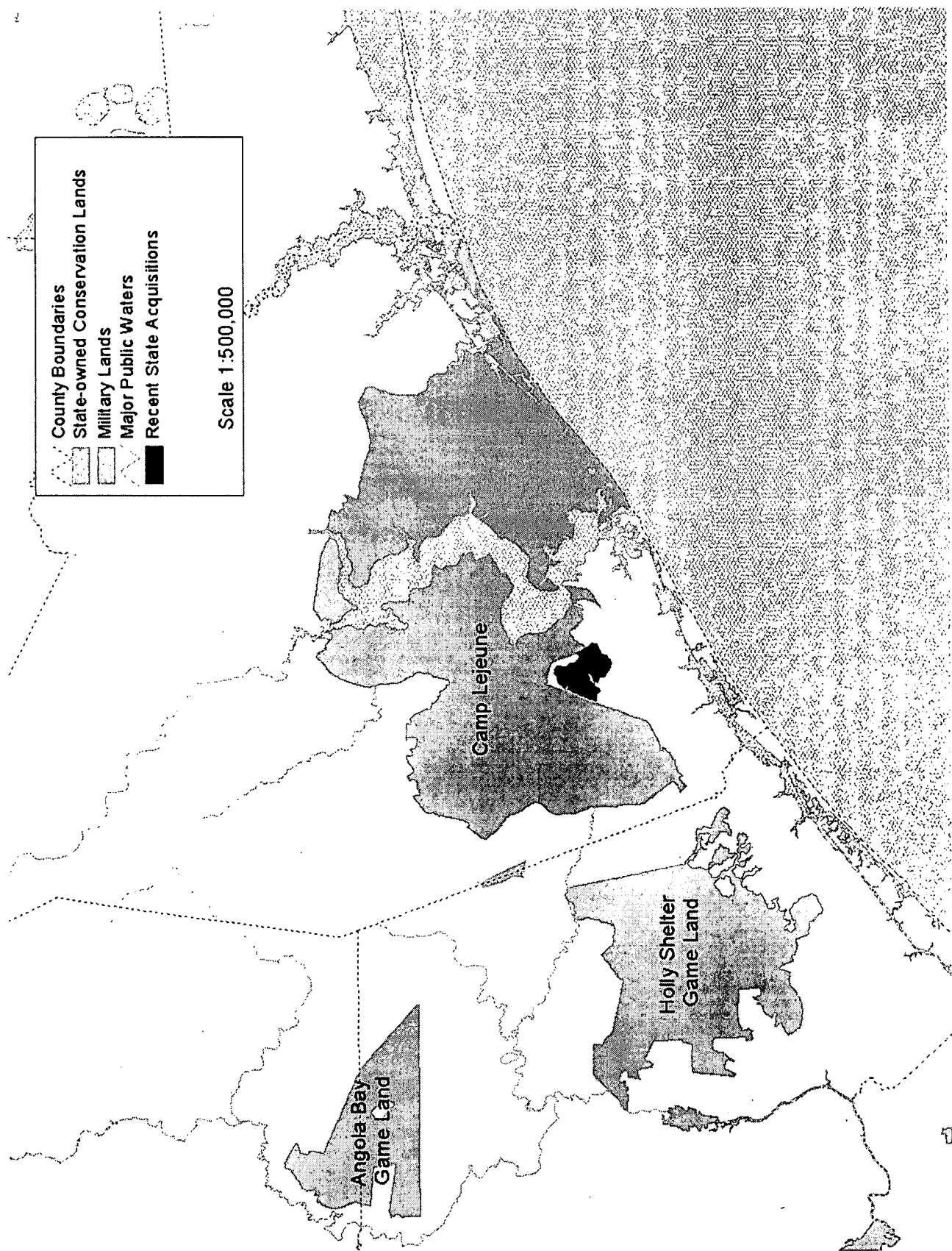
- County Boundaries
- State-owned Conservation Lands
- Military Lands
- Major Public Waters

Scale 1:500,000

Angola Bay  
Game Land

Camp Lejeune

Holly Shelter  
Game Land



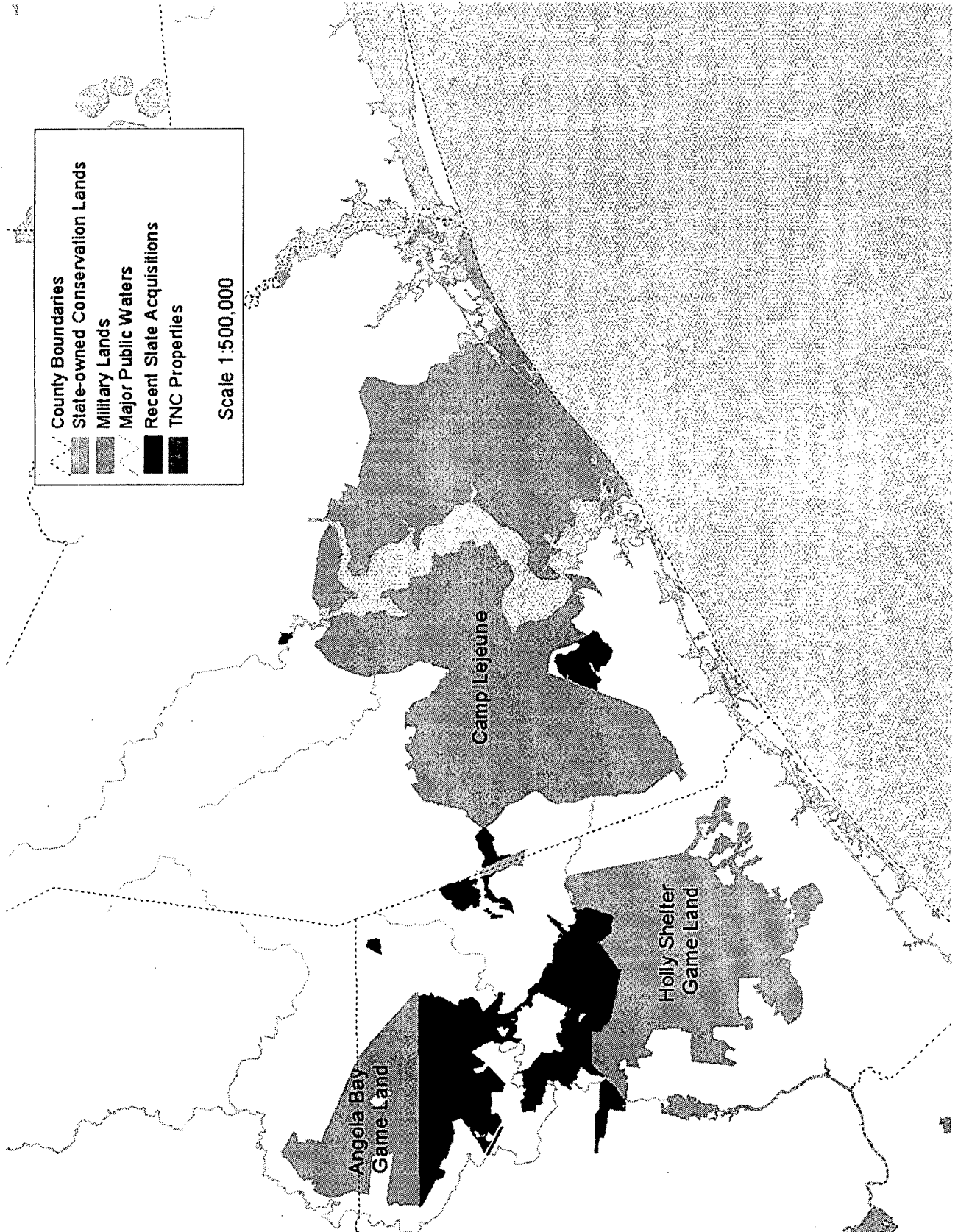
- County Boundaries
- State-owned Conservation Lands
- Military Lands
- Major Public Waters
- Recent State Acquisitions

Scale 1:500,000

Angola Bay  
Game Land

Camp Lejeune

Holly Shelter  
Game Land



County Boundaries

State-owned Conservation Lands

Military Lands

Major Public Waters

Recent State Acquisitions

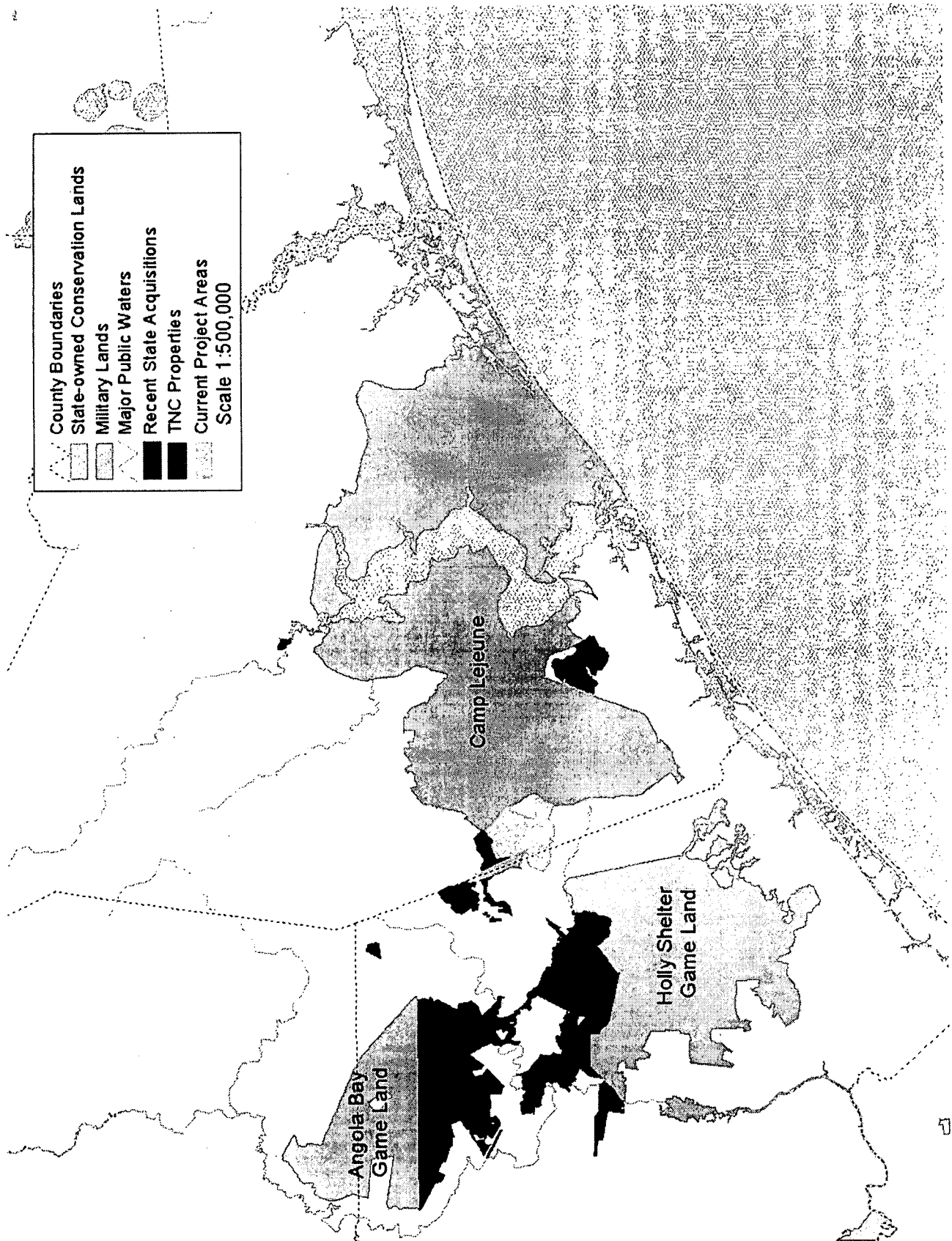
TNC Properties

Scale 1:500,000

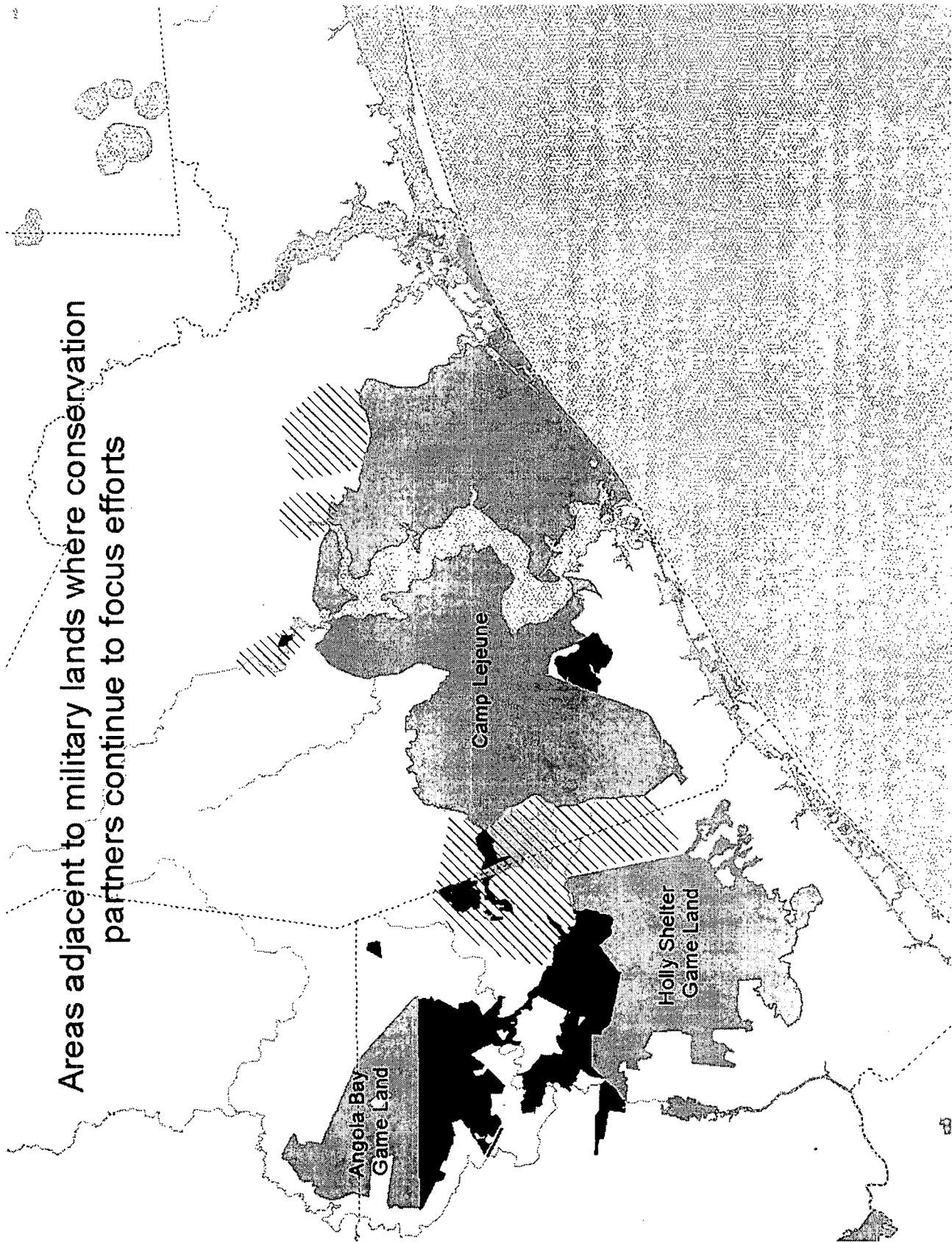
Angola Bay  
Game Land

Camp Lejeune

Holly Shelter  
Game Land



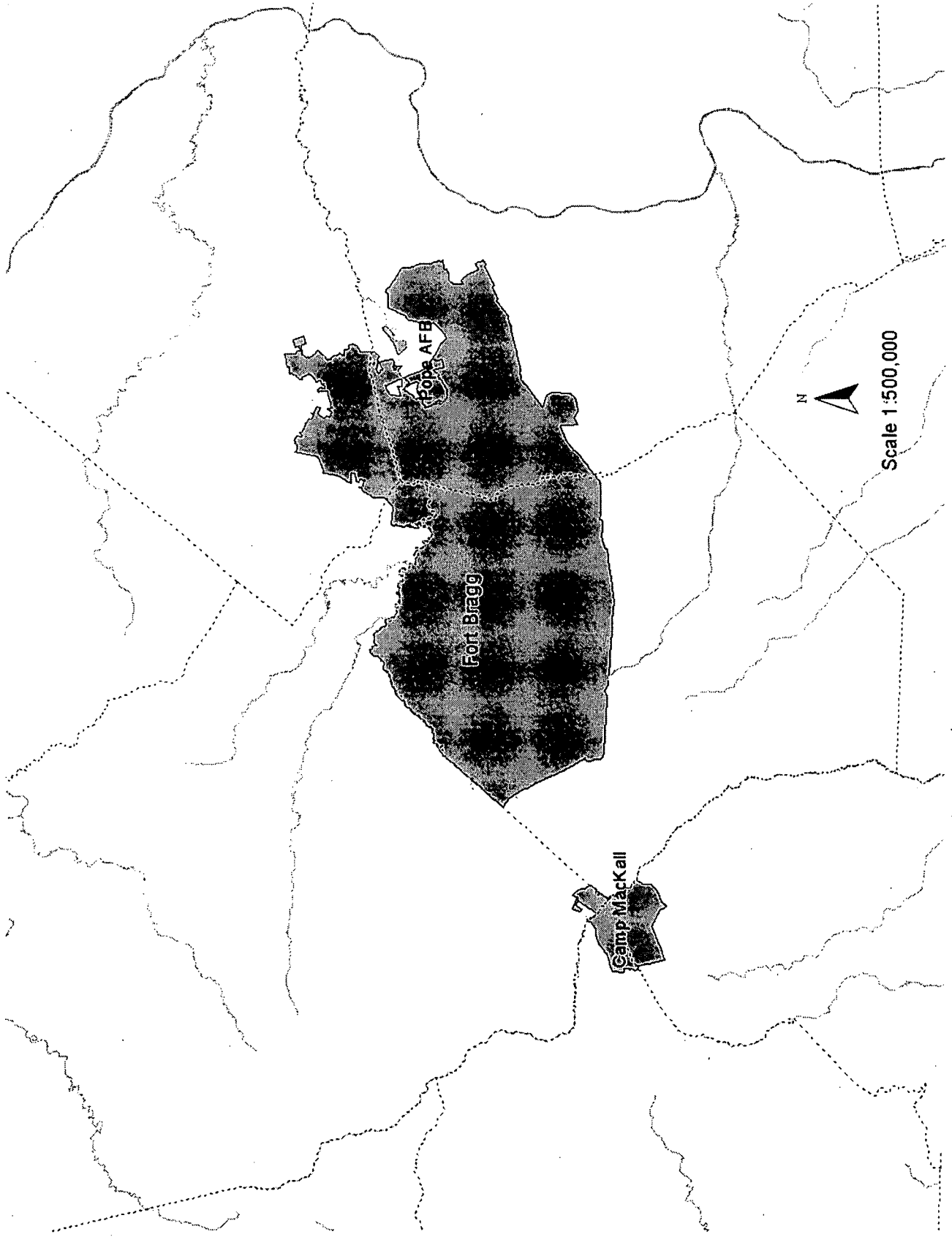
Areas adjacent to military lands where conservation partners continue to focus efforts



# FORT BRAGG/ POPE AFB

## CAMP MACKALL





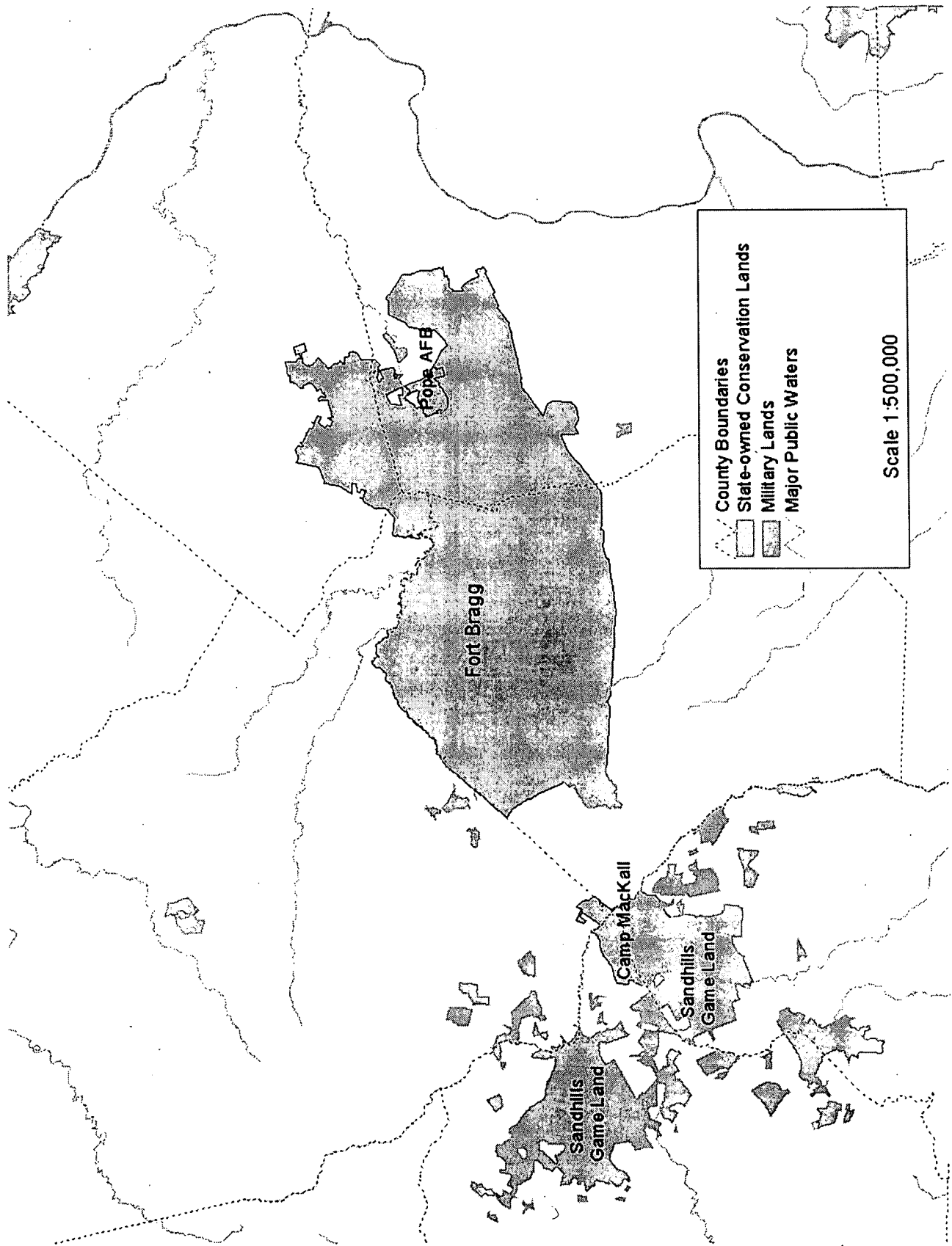
Popo AFB

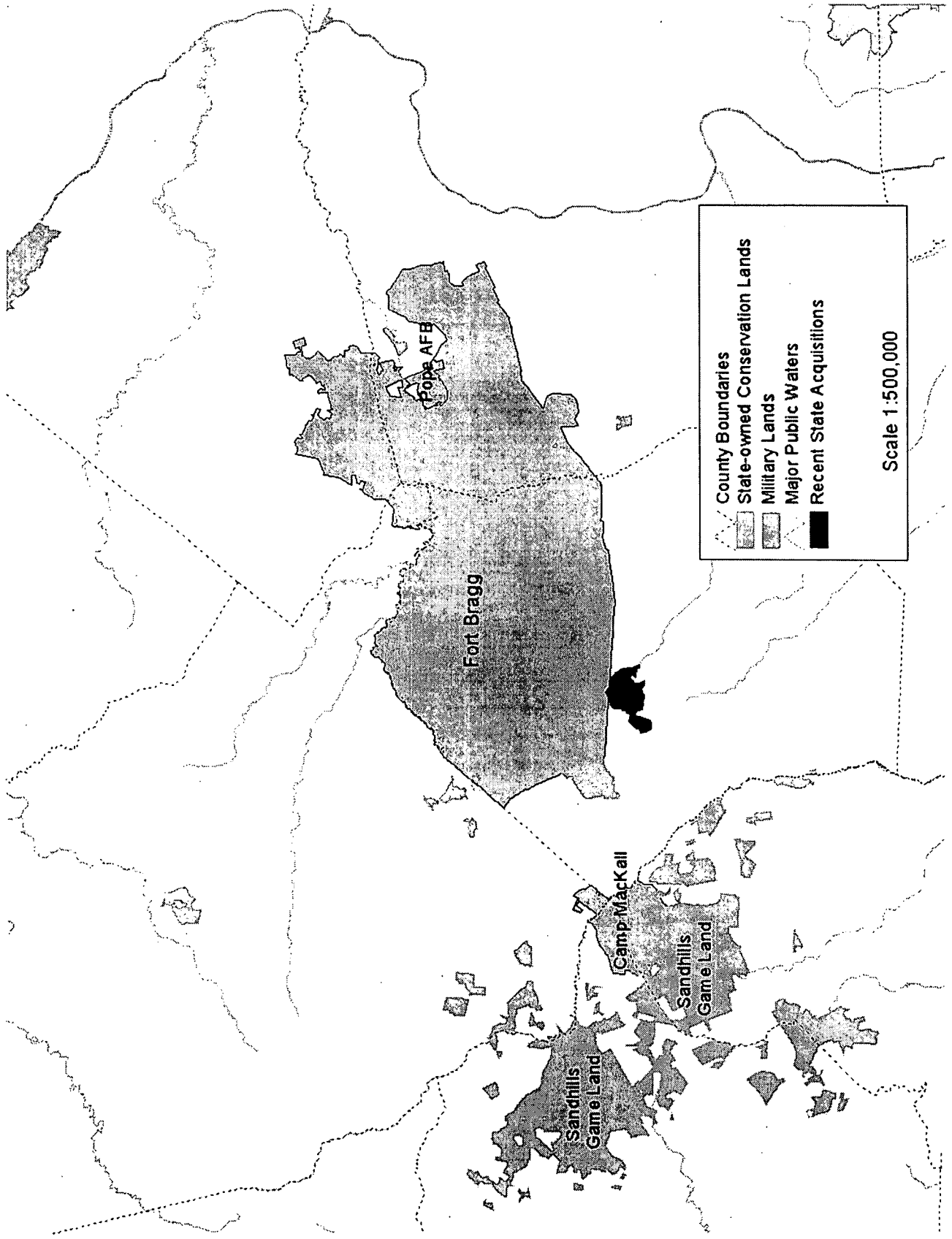
Fort Bragg

Camp Mackall



Scale 1:500,000





County Boundaries

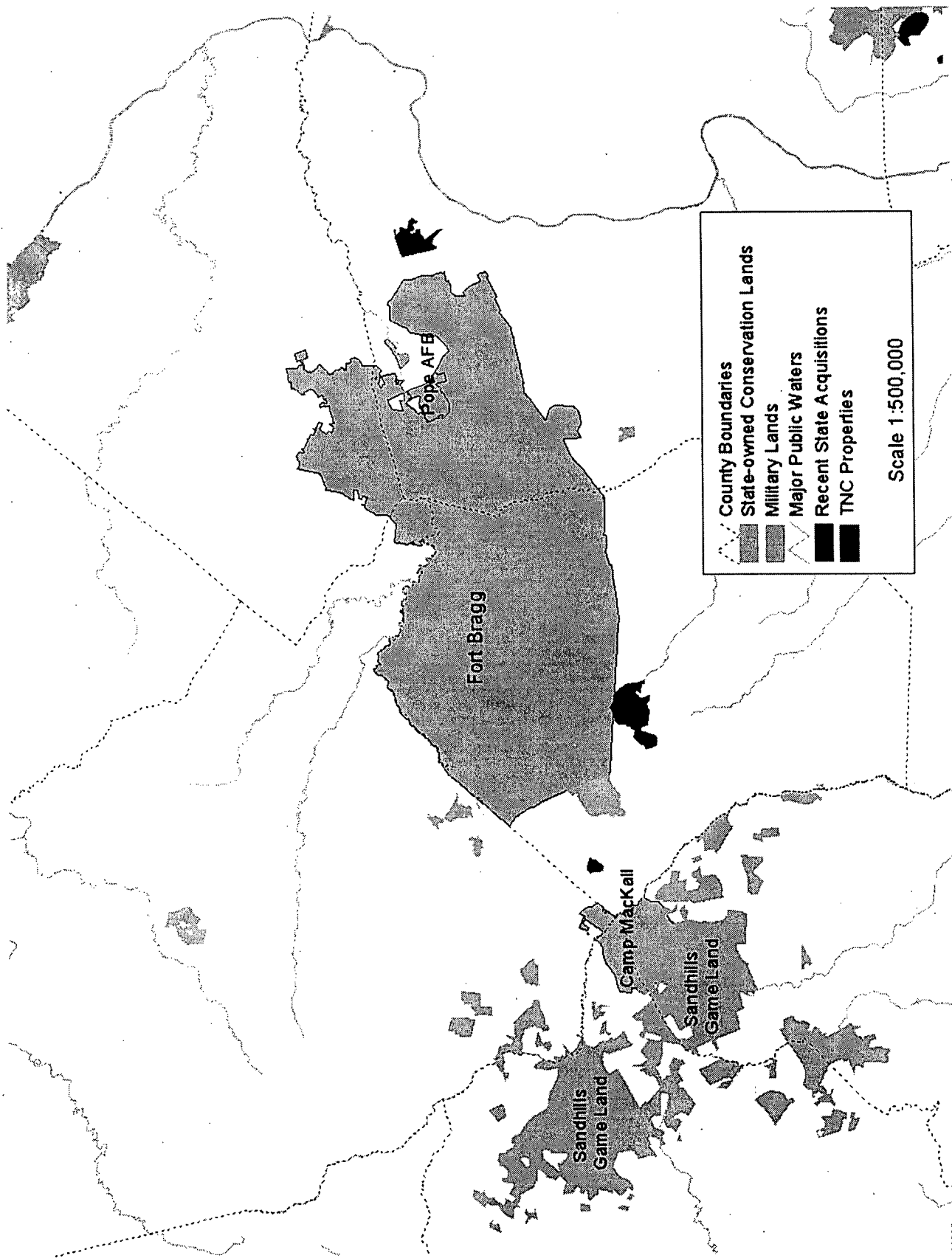
State-owned Conservation Lands

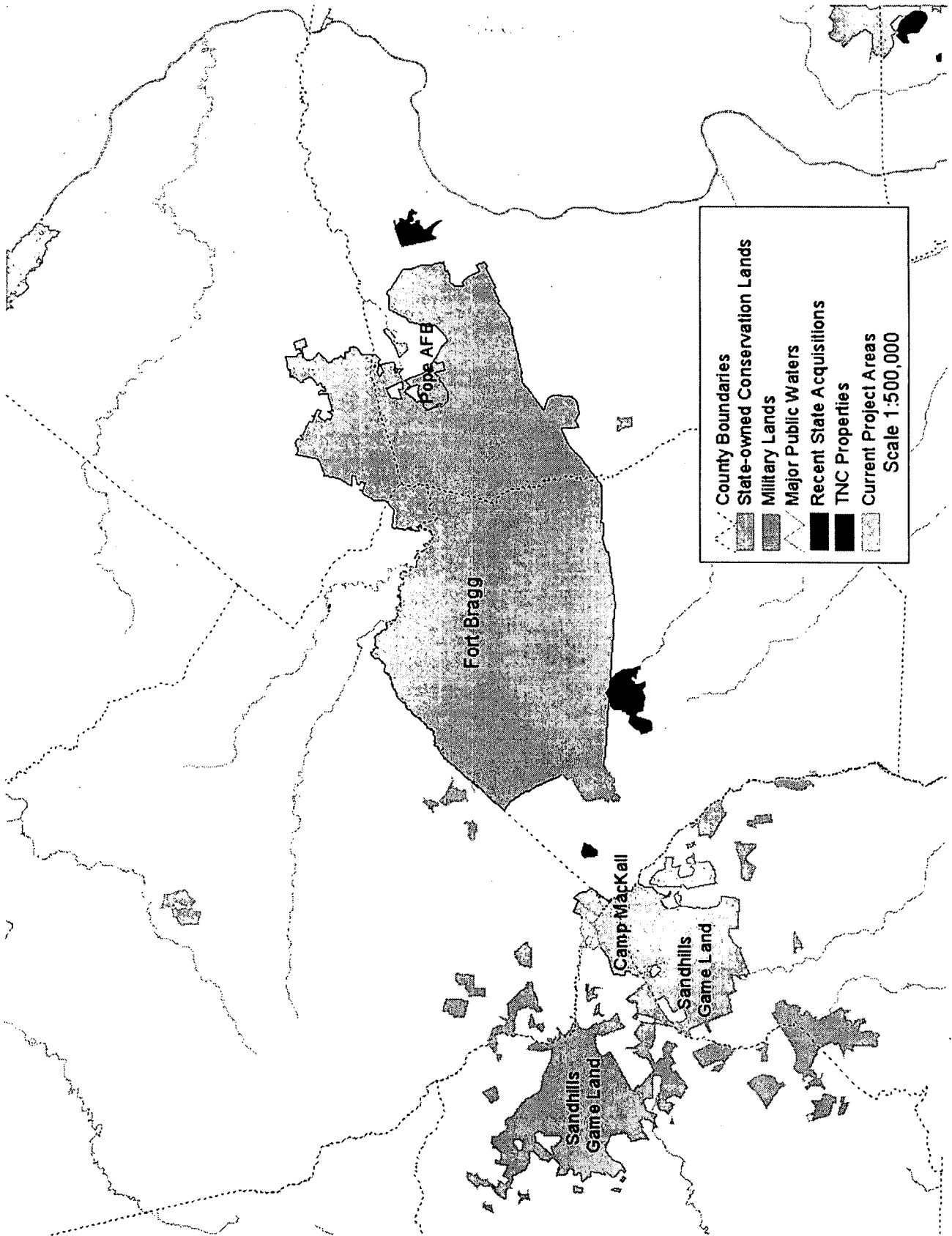
Military Lands

Major Public Waters

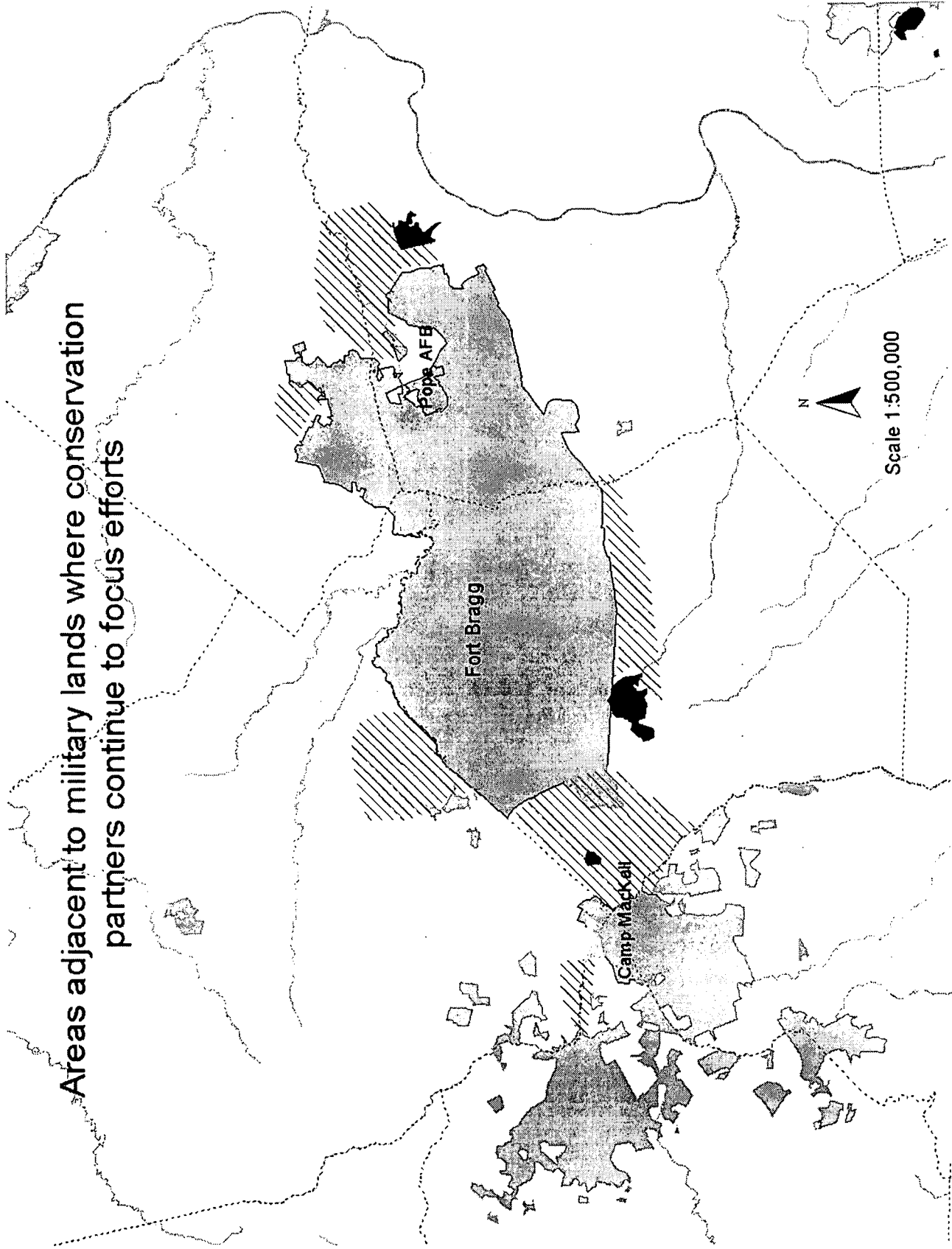
Recent State Acquisitions

Scale 1:500,000

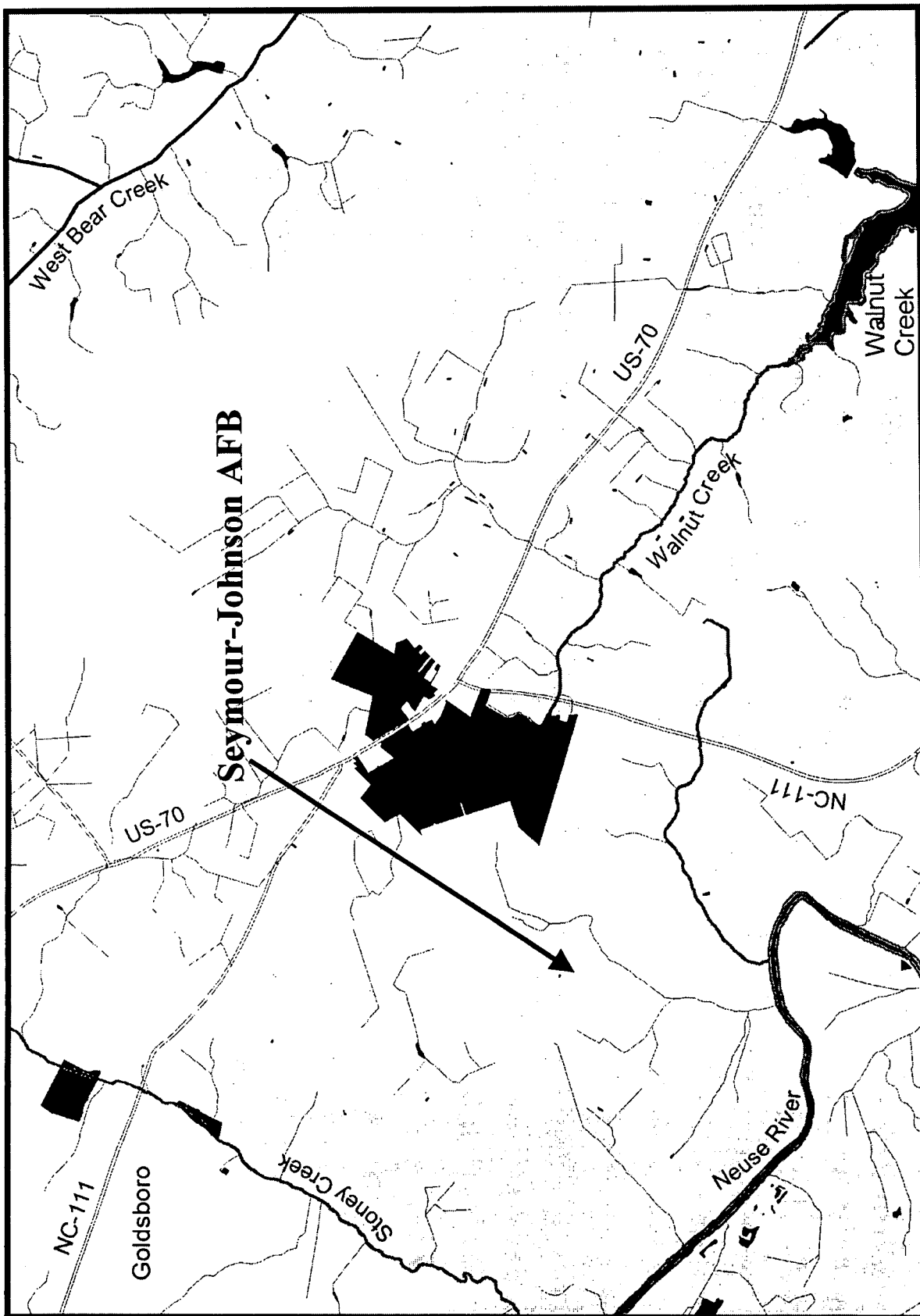




Areas adjacent to military lands where conservation partners continue to focus efforts



SEYMOUR JOHNSON AFB



# Summary

- Progress is being made in the acquisition lands for compatible use around some of our military bases.
- Continue to expand our partnerships in planning to ensure landowner and local government representation.
- Ensure existing state trust funds are fully funded
- Identify funding to fill the gap for the protection of our working farms and forests.

# CONCLUSION

We must continue to work together and be creative with our approach to the conservation of working farms and forests and significant natural resource areas around North Carolina military bases:

- to maintain and enhance the training capability of our military installations
- to provide economic stability for the region
- to sustain the important cultural heritage of this region.

**Advisory Commission on Military  
Affairs: Recommendations  
on Encroachment at North Carolina  
Military Bases**

Presented to the  
Joint Select Committee on Military Affairs

March 23, 2004

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**Purpose of Briefing**

Review ACMA recommendations to  
address encroachment

Based on  
SWOT priorities  
and  
JLUS findings and recommendations

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**ACMA Recommendations to the  
Governor -- March 25, 2003**

1. Require local governments to delineate "buffer zones."
2. Require real estate disclosure.
3. Require land use plans.
4. Require sound attenuation.
5. Limit infrastructure in buffer areas.
6. Acquire critical property.

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## SWOT Priorities



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## Training & Operational Readiness SWOT rankings

1. **Encroachment jeopardizes training**
2. Funding for priority base improvements
3. **Coastal growth generates complaints**
4. **Environmental issues hamper training**
- 5a. (tie) Land and Air transportation inadequate
- 5b. (tie) State ports facilitate deployments
6. **Lack of buffer areas around bases**
7. Larger role for Global TransPark

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## JLUS Status

- Ft Bragg/Pope draft JLUS completed January '03. Undergoing review by Ft Bragg/Pope AFB Regional Land Use Advisory Commission
- MCAS Cherry Point draft JLUS completed Oct '02. Being presented to local governments – Havelock this week
- MCB Camp Lejeune JLUS completed – being printed. Onslow commissioners to sponsor workshop & consider endorsement

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## JLUS Key Recommendations

|                                 | Bragg/Pope | Cherry Point | Lejeune                  |
|---------------------------------|------------|--------------|--------------------------|
| 1. Define critical areas        | √          | √            | Report not yet available |
| 2. Require disclosure           | √          | √            |                          |
| 3. Require land use plans/tools | √          | √            |                          |
| 4. Require sound attenuation    | √          | √            |                          |
| 5. Limit infrastructure         | √          | √            |                          |
| 6. Acquire critical property    | √          | √            |                          |

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## 1. Buffer Zones

- JLUS recommend different approaches to delineating buffer zones
  - Bragg/Pope study recommends one mile from installation
  - Cherry Point study recommends using ETJ and/or annexation
- This is a technical issue that requires careful bill drafting to permit local discretion to achieve the objective

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## 2. Disclosure

- Disclosure may temper development plans and decisions, with fewer "at risk" properties developed inappropriately
- Disclosure may decrease complaints from renters and buyers who knowingly place themselves in high noise or accident potential zones
- Current disclosure statements are inadequate due to eleven (11) exemptions in the law, including first sale of a dwelling

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### 3. Land Use Planning

- Well thought-out land use plans are needed to determine what kind of development is appropriate in proximity to military bases
- Land use plans are a necessary guide for implementation tools such as zoning, CIPs, utility extension policies, subdivision regulations
- CAMA plans are already required for areas near two bases. Other land use plan models and guidelines are also available

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### 4. Sound Attenuation

Storm windows and doors should be required for new dwellings, schools, and churches within high noise areas. Ft Bragg JLUS recommends that this be required within Ldn 62+ noise contours.

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### 5. Limit Infrastructure

- Infrastructure improvements, especially water and sewer, induce higher intensity/density development
- Local land use plans, utility extension policies, and CIPs should explicitly limit growth-inducing infrastructure in high noise/ accident potential zones
- Require that State funds not be used to construct or enlarge public facilities in military buffer zones

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## 6. Acquire critical property

- Some tracts or parcels of land within the military buffer zone are especially important to preserve in permanent open space
- Require State agencies to give priority consideration to military buffer zones for open space and conservation lands acquisition and easement programs
- Establish a "Military Buffer Lands Protection Trust Fund" to purchase critical land and easements in designated military buffer zones

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## Summary Recommendations

1. Define critical areas
2. Require disclosure
3. Require land use plans
4. Require sound attenuation
5. Limit infrastructure
6. Acquire critical property

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# VISITOR REGISTRATION SHEET

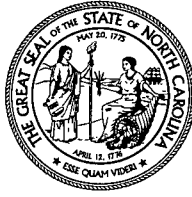
Military Affairs  
Name of Committee

3/23/04  
Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE ASSISTANT

| <u>NAME</u>     | <u>FIRM OR AGENCY</u>                 |
|-----------------|---------------------------------------|
| John Goodman    | ALLEY ASSOC. INC.                     |
| John Bennett    | Military Affairs Commission           |
| LEIGH McNAIR    | Special Assistant for Military Issues |
| Linda Pearsall  | DENR / Heritage                       |
| Angie McMillan  | The Nature Conservancy                |
| John Townson    | Marine Corps Base Camp Lejeune        |
| Phil Meyer      | NC ASSOC. COUNTY CURS                 |
| CHARLES ARETHA  | NC LEAGUE OF MUNICIPALITIES           |
| Craig Deal      | NC DENR                               |
| Rick Zechini    | NC ASSOC. OF REACTORS                 |
| Lisa Martin     | NC Home Builders Assoc.               |
| Gene Byrd       | NC Dept. of Commerce                  |
| Doug Phelps     | Comm. on Mil. Affairs                 |
| TERRY D. LEE    | NC BANKERS ASSOC.                     |
| ROGER SHEATS    | NC DOT - SECRETARY'S OFFICE           |
| SCOTT POTTERMAN | NC DENR NATURAL HERITAGE PROGRAM      |
| Carol Tingley   | DENR - Parks & Rec                    |
| Sam Poole       | Ward & Smith                          |
| SAMI HORR       | Black Family LandTRUST                |
| Ammie Jenkins   | Sandhills Family Heritage Assoc.      |
| Nikki Sage      | The Conservation Fund                 |
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NORTH CAROLINA GENERAL ASSEMBLY  
STATE LEGISLATIVE BUILDING  
RALEIGH 27603



April 19, 2004

***Change In Meeting Date and Location***

**MEMORANDUM**

**TO:** Members, Joint Select Committee on Military Affairs

**FROM:** Senator Cecil Hargett, Jr., Co-Chair  
Representative Ronnie Sutton, Co-Chair  
Representative Keith Williams, Co-Chair

**SUBJECT:** Committee Meeting Notice

There will be a meeting of the Joint Select Committee on Military Affairs:

DAY: ~~Monday~~ Tuesday

DATE: ~~April 26, 2004~~ April 27, 2004

TIME: 10:00 AM

LOCATION: ~~Room 643, Legislative Office Building~~  
Room 1228, Legislative Building

Please advise Martha Hoover, Committee Assistant, at 715-3009, or e-mail [williamskla@ncleg.net](mailto:williamskla@ncleg.net) if you will be unable to attend.

Posted: 19-Apr-04

cc: Committee Record   x    
Interested Parties   x  





North Carolina General Assembly  
State Legislative Building  
Raleigh, North Carolina 27601

April 12, 2004

**MEMORANDUM**

**TO:** Members, Joint Select Committee on Military Affairs

**FROM:** Senator Cecil Hargett, Jr., Co-Chair  
Representative Ronnie Sutton, Co-Chair  
Representative Keith Williams, Co-Chair

**SUBJECT:** Committee Meeting Notice

There will be a meeting of the Joint Select Committee on Military Affairs:

**DAY:** Monday

**DATE:** April 26, 2004

**TIME:** 10:00 AM

**LOCATION:** Room 643, Legislative Office Building

Please advise Martha Hoover, Committee Assistant, at 715-3009, or e-mail [williamskla@ncleg.net](mailto:williamskla@ncleg.net) if you will be unable to attend.

Posted: 08-Apr-04

cc: Committee Record   x    
Interested Parties   x



## **Joint Select Committee on Military Affairs**

### **Minutes**

**April 27, 2004**

The Joint Select Committee on Military Affairs met on Tuesday, April 27, 2004, at 10:00 a.m. in Room 1228 of the Legislative Building. The following members were present: the Co-Chairs: Senator Cecil Hargett, Jr., Representative Ronnie Sutton, and Representative Keith Williams; Senators Katie Dorsett and John Kerr, III; and Representatives Charles Johnson, David Lewis, Marvin Lucas, and Louis Pate, Jr.

Representative Williams presided. After calling the meeting to order and welcoming the members and staff, he opened the floor for a motion to approve the minutes. The motion was made and the minutes were approved as written.

### **Presentation by Mr. Phillip A. Baddour, Jr.**

As the first order of business, Chairman Williams introduced Mr. Phillip A. Baddour, Jr., a member of the Board of Trustees of the Clean Water Management Trust Fund (CWMTF). Mr. Baddour distributed two handouts:

- Letter to the Committee dated March 12, 2004, from Mr. Bill Holman, CWMTF Executive Director (Attachment 2), and
- CWMTF 2003 Annual Report (Attachments 3).

In his opening comments, Mr. Baddour noted the positive working relationship between environmental groups and the military in addressing encroachment issues. The Defense Authorization Act passed last year included a provision that authorizes military departments to enter into agreements with eligible parties to acquire real estate in the vicinity of military installations to limit incompatible land use. This legislation provides a unique ability to have a win-win situation to protect both the military and the environment. Mr. Baddour described three successful projects in which CWMTF partnered with environmental groups—the Beck Tract near Camp Lejeune, a riparian conservation study on the Little River near Fort Bragg, and a tract in Pender County that could be used for light infantry training. He stated that the Trust has 83 applications for this year, including three that would prevent encroachment on military installations.

In conclusion, Mr. Baddour listed several items that CWMTF would like to see in the Committee's recommendations to the General Assembly:

- Fully fund CWMTF
- Include funding for farmland preservation
- Set up trust fund that could be used to match funds from other sources.

Chairman Williams thanked Mr. Baddour and then opened the floor for questions and discussion. Representative Pate added his thanks for the good work done by CWMTF and stated his appreciation for their approach to the encroachment issue.

## **Committee Discussion Of Proposed Legislation**

At this point in the meeting, the Chair asked the staff to present several draft bills for Committee consideration. Chairman Williams encouraged the members to provide input and noted that other bills could be proposed if requested. He also said that a vote would not be taken during this meeting, but that the Committee would meet to vote during the first week of the session.

The Chair then recognized Senator Kerr who commented on the number of National Guard members in North Carolina and asked that the Committee consider the economic impact of the war in Iraq on the families of National Guard members. He asked that the Chairs and staff get information on the situation from the Adjutant General.

Following additional discussion concerning the National Guard, Representative Pate asked that staff provide the maps showing flight paths and areas of operation that he had requested in a previous meeting.


The Committee then considered the following draft bills:

1. A JOINT RESOLUTION EXPRESSING SUPPORT FOR MILITARY BASES AND THE GENERAL ASSEMBLY'S INTENT TO PROVIDE FOR AND SUPPORT PROGRAMS, FACILITIES, AND STRATEGIES TO REDUCE THE EXPOSURE OF MILITARY BASES LOCATED IN THIS STATE TO CLOSURE OR REALIGNMENT OF MISSION AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON MILITARY AFFAIRS (Attachment 4). There was general consensus by the members that the resolution should be proposed, but that it should contain more detail.
2. A BILL TO BE ENTITLED AN ACT TO MODIFY THE MEMBERSHIP OF THE ADVISORY COMMISSION ON MILITARY AFFAIRS. (The draft bill and the bill analysis are included as Attachments 5 and 6.) Mr. Pell noted that this bill would add five members as recommended by the Commission. Representative Sutton suggested that the language regarding "designees" be clarified by including an introductory statement to indicate that any member may send a designee. Senator Dorsett requested that the head of Veterans Affairs be added as a member.
3. A BILL TO BE ENTITLED AN ACT TO EXTEND TO THE SPOUSES OF ACTIVE DUTY MILITARY MEMBERS STATIONED IN NORTH CAROLINA THE SAME PRIORITY IN HIRING FOR STATE JOBS AFFORDED TO MILITARY VETERANS AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON MILITARY AFFAIRS. (The draft bill and the bill analysis are included as Attachments 7 and 8.) Chairman Williams commented that the Generals have stated that re-enlistment goes up when actions are taken to help families. Representative Lewis requested fiscal information. Ms. Riley said that a fiscal note is being prepared. Senator Kerr asked staff to find out if the bill will require domicile in North Carolina. There were several suggestions for rewording to make the language less broad.
4. A BILL TO BE ENTITLED AN ACT TO WAIVE AN AMOUNT EQUAL TO ONE-THIRD OF THE FUEL TAX COLLECTED ON MILITARY INSTALLATIONS EACH YEAR TO ENABLE THE ARMED FORCES TO IMPROVE QUALITY-OF-LIFE PROGRAMS FOR MILITARY MEMBERS AND THEIR FAMILIES IN NORTH CAROLINA. (The draft bill and the bill analysis are included as Attachments 9 and 10.) Senator Hargett said that he had introduced this bill last year, and that it had passed in the Senate but not in the House. There was some discussion about other states that have similar legislation, the manner in which the funds would be distributed, and the degree to which Powell funds would be impacted. Chairman Williams asked staff to provide information on the effect on individual bases.

5. A BILL TO BE ENTITLED AN ACT TO CREATE A MILITARY BASE LAND PRESERVATION TRUST FUND AND TO APPROPRIATE FUNDS TO PROTECT LANDS AROUND MILITARY BASES. (The draft bill and the bill analysis are included as Attachments 11 and 12.) Mr. Pell said that the Trust Fund would be used to prevent encroachment and that it would be a non-reverting fund, managed by a 12-member board of trustees. The bill would allow the State to enter into management agreements with either local governments or private, non-profit organizations. In response to a question from Representative Pate, Mr. Pell stated that there would be no mandated purchases and that the trustees would make the decision. Senator Kerr asked that the staff try to mitigate the impact on small counties and questioned the need for another trust fund. Representative Lucas commented that land loss should not be disproportionate for racial minorities. Representative Sutton asked staff to clarify the process for land valuation in the section regarding 20-year tax reimbursement. Following additional discussion regarding the determination of value and the amount of reimbursement, the Chair said that staff would consider member suggestions as they redraft the bill.
6. A BILL TO BE ENTITLED AN ACT TO AUTHORIZE IN-STATE TUITION FOR MEMBERS OF THE RESERVE COMPONENTS WHO ARE ASSIGNED TO UNITS LOCATED IN NORTH CAROLINA.. (The draft bill and the bill analysis are included as Attachments 13 and 14.) Mr. Pell explained that the current law covers active members and that a fiscal note was being prepared. In response to a question from Senator Kerr, he also noted that the law applies only to tuition, and not to preference in admission.
7. A BILL TO BE ENTITLED AN ACT REQUIRING THE COUNTIES AND CITIES NEAR MILITARY INSTALLATIONS TO GIVE NOTICE OF PLANNING CHANGES TO THE MILITARY INSTALLATIONS. (The draft bill and the bill analysis are included as Attachments 15 and 16.) The bill would require counties and cities planning to adopt or amend land use ordinances affecting property in the vicinity of a military installation to provide notice to the commander of the military installation at least 30 days prior to the public hearing. Representative Sutton asked that the wording regarding "adjacent county" be clarified. Senator Kerr suggested that the bill also require the State to provide notification of actions that would affect the military.

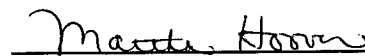
After all draft bills were presented and discussed, Representative Williams thanked the members and encouraged them to continue to provide input to staff as they redraft the bills. After acknowledging the visitors in the audience, he asked Ms. Angie McMillan from the Nature Conservancy to introduce herself and to talk about the work her group has done in working with the military on land preservation.

As there was no further business before the Committee, Chairman Williams adjourned the meeting at 11:50 a.m.



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Representative Keith Williams  
Presiding Co-Chair



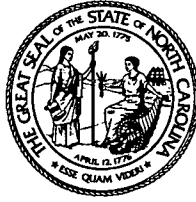
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Martha Hoover, Clerk

Senator Cecil Hargett, Jr., Co-Chair  
Representative Ronnie Sutton, Co-Chair

## Attachments

1. Agenda
2. Letter to the Committee, dated March 12, 2004, from Bill Holman, Executive Director of the North Carolina Clean Water Management Trust Fund
3. 2003 Annual Report, North Carolina Clean Water Management Trust Fund
4. Bill Draft 2003-LKz-188: A JOINT RESOLUTION EXPRESSING SUPPORT FOR MILITARY BASES AND THE GENERAL ASSEMBLY'S INTENT TO PROVIDE FOR AND SUPPORT PROGRAMS, FACILITIES, AND STRATEGIES TO REDUCE THE EXPOSURE OF MILITARY BASES LOCATED IN THIS STATE TO CLOSURE OR REALIGNMENT OF MISSION AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON MILITARY AFFAIRS.
5. Bill Draft 2003-LKz-194: A BILL TO BE ENTITLED AN ACT TO MODIFY THE MEMBERSHIP OF THE ADVISORY COMMISSION ON MILITARY AFFAIRS.
6. Bill Analysis 2003-LKz-194
7. Bill Draft 2003-LKz-192: A BILL TO BE ENTITLED AN ACT TO EXTEND TO THE SPOUSES OF ACTIVE DUTY MILITARY MEMBERS STATIONED IN NORTH CAROLINA THE SAME PRIORITY IN HIRING FOR STATE JOBS AFFORDED TO MILITARY VETERANS AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON MILITARY AFFAIRS.
8. Bill Analysis 2003-LKz-192
9. Bill Draft 2003-LKxz-193A: A BILL TO BE ENTITLED AN ACT TO WAIVE AN AMOUNT EQUAL TO ONE-THIRD OF THE FUEL TAX COLLECTED ON MILITARY INSTALLATIONS EACH YEAR TO ENABLE THE ARMED FORCES TO IMPROVE QUALITY-OF-LIFE PROGRAMS FOR MILITARY MEMBERS AND THEIR FAMILIES IN NORTH CAROLINA.
10. Bill Analysis 2003-LKxz-193A
11. Bill Draft 2003-RK-45: A BILL TO BE ENTITLED AN ACT TO CREATE A MILITARY BASE LAND PRESERVATION TRUST FUND AND TO APPROPRIATE FUNDS TO PROTECT LANDS AROUND MILITARY BASES.
12. Bill Analysis 2003-RK-45
13. Bill Draft 2003-RK-44: A BILL TO BE ENTITLED AN ACT TO AUTHORIZE IN-STATE TUITION FOR MEMBERS OF THE RESERVE COMPONENTS WHO ARE ASSIGNED TO UNITS LOCATED IN NORTH CAROLINA.
14. Bill Analysis 2003-RK-44
15. Bill Draft 2003-LKz-196A: A BILL TO BE ENTITLED AN ACT REQUIRING THE COUNTIES AND CITIES NEAR MILITARY INSTALLATIONS TO GIVE NOTICE OF PLANNING CHANGES TO THE MILITARY INSTALLATIONS.
16. Bill Analysis 2003-LKz-196A



## **JOINT SELECT COMMITTEE ON MILITARY AFFAIRS**

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### **AGENDA**

April 27, 2004  
Room 1228, Legislative Building  
10:00 am

### **WELCOME AND INTRODUCTION**

Senator Cecil Hargett, Co-Chair  
Representative Keith P. Williams, Co-Chair  
Representative Ronnie Sutton, Co-Chair

### **COMMITTEE DISCUSSION OF PROPOSED LEGISLATION**

**Instructions to Staff**

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**cleanwater**

MANAGEMENT TRUST FUND

March 12, 2004

The Honorable Cecil Hargett, Co-Chair,  
The Honorable Keith Williams, Co-Chair, and  
The Honorable Ronnie Sutton, Co-Chair  
Joint Select Committee on Military Affairs  
General Assembly of North Carolina  
Raleigh, North Carolina 27603

Re: Clean Water Management Trust Fund and the Military

Gentlemen:

The General Assembly established the Clean Water Management Trust Fund in 1996 to help local governments, state agencies, and non-profit conservation organizations finance projects to protect and restore water quality.

Thanks to strong support and appropriations from the General Assembly the Board of Trustees of the Clean Water Management Trust Fund has approved 512 water quality grants for a total of \$405.1 million. CWMTF grants have leveraged at least \$643.3 million in private and other public funds.

The Clean Water Management Trust Fund (CWMTF) has been working with the military, other state agencies, land trusts, and local governments to not only protect water quality but also to acquire conservation easements and land in fee simple also prevent encroachment on military bases.

In 2003 CWMTF, Natural Heritage Trust Fund, The Nature Conservancy, and the US Marine Corps worked with the Wildlife Resources Commission to acquire the 2500-acre Beck tract (CWMTF Project #2001B-036) in Onslow County to help protect Camp Lejeune from encroachment. Residential development was planned for the property. CWMTF provided \$2,146,000 to protect the headwaters of Stones Creek, a tributary of the New River. The total project cost was \$7,162,100. The Wildlife Resources Commission will manage the property as gamelands.

With financial assistance from CWMTF the Sandhills Area Land Trust (SALT) began a riparian corridor conservation study on the Little River – the northern boundary of Fort Bragg in 2003. The SALT study will identify key tracts, potential donations, and willing sellers. SALT will probably apply to CWMTF and the DOT/DENR Ecosystem Enhancement Program in the future to acquire conservation easements to protect the Little River.

Bill Holman  
EXECUTIVE DIRECTOR

CWMTF TRUSTEES

Chair, Robert D. Howard  
WHITEVILLE

Phil Baddour  
GOLDSBORO

Ron Beane  
LENOIR

Bill Brooks  
WAYNESVILLE

Karen Cragolin  
ASHEVILLE

Nick Garrett  
WILMINGTON

Joseph M. Hester, Jr.  
ROCKY MOUNT

William Hollan  
WINSTON-SALEM

Tony Lathrop  
CHARLOTTE

Alex MacFadyen  
RALEIGH

John Maguire  
PINEHURST

Margaret Markey  
DAVIDSON

Dickson McLean, Jr.  
LUMBERTON

John McMillan  
RALEIGH

Hon. Johnnie Mosley  
KINSTON

C. Leroy Smith  
WINTERVILLE

Ronnie Smith  
NEWPORT

Stan Vaughan  
CHARLOTTE

Claudette Weston  
WINSTON-SALEM

Jerry Wright  
JARVISBURG

CWMTF has also helped finance projects associated with the Onslow Bight Initiative -- a project of the Marine Corps, Department of Environment & Natural Resources (DENR), Wildlife Resources Commission, The Nature Conservancy, and NC Coastal Land Trust. CWMTF provided \$7,900,000 to acquire a conservation easement on the 14,103-acre Bear Garden in Pender County (CWMTF Project #2001B-017), and CWMTF provided \$148,000 to acquire a conservation easement on 421 acres on Shelter Creek in Pender County (CWMTF Project #2002A-019). The Natural Heritage Trust Fund is assisting the Wildlife Resources Commission with the acquisition of the 15,000-acre Angola Bay wetland and gamelands. These lands could be made available for light infantry training.

CWMTF received 83 applications requesting \$151.8 million in December 2003, including three applications for grants to protect water quality and prevent encroachment on military bases.

Goldsboro and Wayne County have requested \$1,737,000 from CWMTF to acquire floodplain and converted wetlands in the Accident Potential Zone One at Seymour Johnson Air Force Base (CWMTF Project #2004A-007). Goldsboro and Wayne County have committed \$600,000 in local funds for the project and have also adopted a temporary moratorium on new development in the accident potential zone. This project will improve water quality by restoring wetlands, prevent development in the 100-year floodplain, and prevent incompatible development in the accident potential zone. The Board of Trustees of CWMTF gave tentative approval to this project at its February 8-9, 2004 meeting. The Board will review it again at its May 9-10 meeting.

Goldsboro and Wayne County will likely seek future funding from CWMTF to acquire conservation easements or land in fee simple in the Accident Potential Zone Two and the low level flyways.

The Wildlife Resources Commission has requested \$637,000 from CWMTF to help acquire the 250-acre H&M Farms tract near Camp LeJeune (CWMTF Project #2004A-016). H&M Farms adjoins the Beck tract. This project will provide additional protection to Stones Creek and Camp LeJeune. The US Marines will match CWMTF funds for the acquisition. The Wildlife Resources Commission will manage the property as gamelands.

The Wildlife Resources Commission has also requested \$1,182,000 from CWMTF to help acquire the 500-acre Lanier tract on Southwest Creek near Camp LeJeune (CWMTF Project #2004A-018). The Marines will match CWMTF funds for the acquisition; the Wildlife Resources Commission will manage the property as gamelands.

The Board of Trustees of CWMTF gave tentative approval to the two Wildlife Resources Commission projects at its February 8-9 meeting. The Board will review them again at its May 9-10 meeting.

All these acquisitions count towards the Governor's *One North Carolina Naturally Initiative* and the State's goal of conserving one million acres set out in GS 113A-240.

Page Three – Letter to the Joint Select Committee on Military Affairs  
Regarding Clean Water Management Trust Fund and the Military  
March 12, 2004

The Town of Spring Lake requested \$7,600,000 from CWMTF to repair leaky sewer lines and improve wastewater treatment (CWMTF Project #2004A-604). There is an opportunity to provide regional wastewater service to Spring Lake, Fort Bragg/Pope, and Harnett County.

The 2003 General Assembly appropriated \$62.0 million to CWMTF in fiscal year 2003-2004 and \$62.0 million in fiscal year 2004-2005. The Board of Trustees of CWMTF committed half of its 2003-2004 appropriation in July 2003 to applications it received in December 2002. The Board committed the second half of its 2003-2004 appropriation in November 2003 to applications it received in June 2003.

CWMTF will require appropriations in fiscal year 2004-2005 to provide grants to Goldsboro/Wayne County, Wildlife Resources Commission, and other communities to continue our efforts to protect water quality and to prevent encroachment on military bases.

The General Assembly has wisely created a number of programs to provide financial assistance to communities to protect and restore water quality, to protect NC's natural and cultural resources, to expand and improve state and local parks, and to protect farm and forestland. The Clean Water Management Trust Fund, Natural Heritage Trust Fund, Parks & Recreation Trust Fund, Farmland Preservation Trust Fund, and conservation income tax credit program can help the State and local communities finance both conservation of important lands and protection of important economic resources, including our military bases.

The State, military, local governments, and land trusts have already acquired some key tracts that protect the environment and prevent encroachment. However much more needs to be done. For example the Fort Bragg/Pope Joint Land Use Study identified 17,602 acres as "critical preservation lands" and 16,431 acres as "important preservation lands."

Thank you for your consideration. Please contact me if I can be of assistance or provide more information.

Sincerely,

A handwritten signature in black ink that reads "Bill Holman". The signature is stylized with a large, sweeping initial "B" and a long, horizontal stroke for the "l" in "Holman".

Bill Holman  
Executive Director

cc: Robert Howard  
John McMillan  
Phil Baddour  
Troy Pate  
Leigh McNairy  
Richard Rogers

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003**

S/H

D

**BILL DRAFT 2003-LKz-188\* [v.3] (3/26)**

**(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)  
3/26/2004 11:54:43 AM**

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Sponsors: Senator Hargett./Representatives Sutton and K. Williams (Primary Sponsors).

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Referred to:

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1 A JOINT RESOLUTION EXPRESSING SUPPORT FOR MILITARY BASES AND  
2 THE GENERAL ASSEMBLY'S INTENT TO PROVIDE FOR AND SUPPORT  
3 PROGRAMS, FACILITIES, AND STRATEGIES TO REDUCE THE EXPOSURE  
4 OF MILITARY BASES LOCATED IN THIS STATE TO CLOSURE OR  
5 REALIGNMENT OF MISSION AS RECOMMENDED BY THE JOINT SELECT  
6 COMMITTEE ON MILITARY AFFAIRS.

7 Be it resolved by the Senate, the House of Representatives concurring:

8 **SECTION 1.** The General Assembly of North Carolina intends to provide  
9 for and support programs, facilities, and strategies to reduce the exposure of military  
10 bases located in this state to closure or realignment of mission.

11 **SECTION 2.** This resolution is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S/H

D

BILL DRAFT 2003-LKz-194\* [v.2] (3/26)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)

4/19/2004 1:06:05 PM

Short Title: Military Affairs Comm. Membership.

(Public)

Sponsors: Senator Hargett./Representatives Sutton and K. Williams (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO MODIFY THE MEMBERSHIP OF THE ADVISORY COMMISSION  
3 ON MILITARY AFFAIRS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 127C-2(c) reads as rewritten:

6 "(c) The following members shall serve ex officio:

7 (1) The Lieutenant Governor, or a designee.

8 (42) Secretary of Crime Control and Public Safety, or a designee.

9 (23) Secretary of Commerce, or a designee.

10 (4) The Secretary of Transportation, or a designee.

11 (5) The Secretary of the Department of Environment and Natural  
12 Resources, or a designee.

13 (36) Commanding General 18th Airborne Corps, Fort Bragg.

14 (47) Commanding General Marine Corps Base, Camp Lejeune.

15 (58) Commanding General Marine Corps Air Station, Cherry Point.

16 (69) Commander 4th FW, Seymour Johnson Air Force Base.

17 (710) Commander 43rd Airlift Wing, Pope Air Force Base.

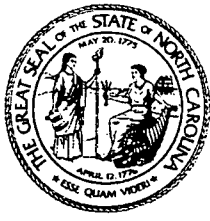
18 (811) Commander of the U.S. Coast Guard Support Center, Elizabeth City.

19 (913) Adjutant General of the North Carolina National Guard.

20 (14) The Executive Director of the North Carolina League of  
21 Municipalities, or a designee.

22 (15) The Executive Director of the North Carolina Association of County  
23 Commissioners, or a designee."

24 SECTION 2. This act is effective when it becomes law.  
25



# **BILL NUMBER 2003-LKZ-194:**

## **Military Affairs Commission Membership.**

### **BILL ANALYSIS**

**Committee:** Joint Select Committee on  
Military Affairs

**Date:** April 27, 2004

**Version:** 2003-LKz-194 [v.2]

**Introduced by:**

**Summary by:** Hal Pell  
Committee Co-Counsel

**SUMMARY:** *This bill adds five members to the North Carolina Commission on Military Affairs. The act would be effective when it becomes law.*

### **BILL ANALYSIS:**

The bill adds five members to the North Carolina Commission on Military Affairs. The additional members were recommended by the Commission. The new members would be:

- The Lieutenant Governor, or designee
- The Secretary of Transportation, or designee
- The Secretary of the Department of Environment and Natural Resources, or designee.
- The Executive Director of the North Carolina League of Municipalities, or designee
- The Executive Director of the North Carolina Association of County Commissioners, or designee.

The act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S/H

D

BILL DRAFT 2003-LKz-192\* [v.1] (3/26)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)

3/26/2004 12:28:18 PM

Short Title: Military Spouse State Hiring Priority. (Public)

Sponsors: Senator Hargett./Representatives Sutton and K. Williams (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO EXTEND TO THE SPOUSES OF ACTIVE DUTY MILITARY MEMBERS STATIONED IN NORTH CAROLINA THE SAME PRIORITY IN HIRING FOR STATE JOBS AFFORDED TO MILITARY VETERANS AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON MILITARY AFFAIRS.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 128 of the General Statutes is amended by adding a new section to read:

**"§ 128-128-15.4. Employment preference for spouses of active duty military personnel stationed in North Carolina.**

(a) It shall be the policy of the State of North Carolina that, in appreciation for the support they provide to their active military member spouses who are in service to this country, the spouses of military members on active duty and stationed in North Carolina shall be granted preference in employment with every State department, agency, and institution.

(b) As used in this section:

(1) "Active military member" means a person who is honorably serving in the Armed Forces of the United States on active duty, for reasons other than training, and is stationed pursuant to military orders in North Carolina.

(2) "Spouse" means a person who is a resident of North Carolina and who is currently married to an active military member as evidenced by a valid marriage license or certificate and by valid military identification.

1       (c) Hereafter, in all evaluations of applicants for positions with this State or any  
2 of its departments, institutions or agencies, a preference shall be awarded to all eligible  
3 spouses of active military members who are serving the United States honorably and  
4 who are stationed pursuant to military orders in North Carolina."

5       **SECTION 2.** This act is effective when it becomes law.  
6



## **2003-LKZ-192: Military Spouse State Hiring Priority**

### ***BILL ANALYSIS***

**Committee:** Joint Select Commission on  
Military Affairs  
**Date:** April 26, 2004  
**Version:** v.1

**Introduced by:**  
**Summary by:** Barbara Riley  
Committee Counsel

### **SUMMARY**

2003-LKz-192 adds a new section to Chapter 128 of the General Statutes that would provide the spouses of active duty military personnel stationed in North Carolina with the same hiring priority for State jobs as given to military veterans. Under current law, military veterans are accorded a preference in all evaluations for State positions. G.S. 128-15. For purposes of the act, "Active Military Member" is defined as a person who is honorably serving in the armed forces on active duty for reasons other than training, and who is stationed in North Carolina.

The act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H/S

D

BILL DRAFT 2003-LKxz-193A\* [v.1] (3/26)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)

4/19/2004 12:43:37 PM

Short Title: Military Base Support.

(Public)

Sponsors: Representatives Sutton and K. Williams (Primary Sponsors)/Senator Hargett.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO WAIVE AN AMOUNT EQUAL TO ONE-THIRD OF THE FUEL TAX COLLECTED ON MILITARY INSTALLATIONS EACH YEAR TO ENABLE THE ARMED FORCES TO IMPROVE QUALITY-OF-LIFE PROGRAMS FOR MILITARY MEMBERS AND THEIR FAMILIES IN NORTH CAROLINA..

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 2 of Chapter 136 of the General Statutes is amended by adding a new section to read:

**"§ 136-41.9. Appropriation for military installations.**

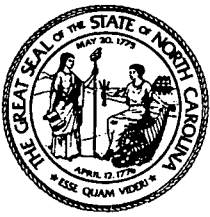
There is annually appropriated from the State Highway Fund to the United States Department of Defense a sum equal to the estimated net amount after refunds that was produced during the preceding fiscal year by a eight-cent (8¢) tax on each gallon of motor fuel and alternative fuel taxed under Article 36C or 36D of Chapter 105 of the General Statutes and sold within a military installation. The Department of Defense shall use these funds only for community services and other expenditures to improve quality-of-life programs for military members and their families in North Carolina."

**SECTION 2.** G.S. 105-449.62 reads as rewritten:

**"§ 105-449.62. Nature of tax.**

This Article imposes a tax on motor fuel to provide revenue for the State's transportation ~~needs and needs~~, for the other purposes listed in Part 7 of this ~~Article~~ Article, and for the purposes provided in G.S. 136-41.9. The tax is collected from the supplier or importer of the fuel because this method is the most efficient way to collect the tax. The tax is designed, however, to be paid ultimately by the person who consumes the fuel. The tax becomes a part of the cost of the fuel and is consequently paid by those who subsequently purchase and consume the fuel."

**SECTION 3.** This act becomes effective July 1, 2005.



## 2003-LKXZ-193A: Military Base Support

### *BILL ANALYSIS*

**Committee:** Joint Select Commission on  
Military Affairs  
**Date:** April 26, 2004  
**Version:** v.1

**Introduced by:**  
**Summary by:** Barbara Riley  
Committee Counsel

### **SUMMARY**

2003-LKxz-193A would appropriate funds from the State Highway Fund to the Department of Defense. The sum appropriated would be an amount equal to one third of the fuel tax on motor fuels and alternative fuels taxed under Article 36C and 36D of Chapter 105 of the General Statutes that is sold on a military installation; approximately 8 cents per gallon. The money shall be used by the Department of Defense only for community services and quality of life programs for military members and their families in North Carolina.

The act would become effective July 1, 2005.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H

D

BILL DRAFT 2003-RK-45 [v.5] (4/26)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)

4/27/2004 6:34:07 AM

Short Title: Military Base Land Preservation Trust Fund.

(Public)

Sponsors: Representative.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO CREATE A MILITARY BASE LAND PRESERVATION TRUST  
3 FUND AND TO APPROPRIATE FUNDS TO PROTECT LANDS AROUND  
4 MILITARY BASES.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Chapter 113 of the General Statutes is amended by adding a  
7 new Article to read:

8 "Article 5B.

9 "Military Base Land Preservation Trust Fund.

10 "§113-77.10. Military Base Land Preservation Trust Fund.

11 (a) There is established a Military Base Land Preservation Trust Fund in the  
12 State Treasurer's office that shall be used to finance the Military Base Land Preservation  
13 Trust Program authorized by this Article.

14 (b) The State Treasurer shall hold the Fund separate and apart from all other  
15 moneys, funds, and accounts. Investment earnings credited to the assets of the Fund  
16 shall become part of the Fund. The Fund may include any moneys, funds, accounts, or  
17 assets from whatever source, including appropriations from the General Assembly,  
18 specifically designated to be placed in the Fund. Any balance remaining in the Fund at  
19 the end of any fiscal year shall be carried forward in the Fund for the next succeeding  
20 fiscal year. Payments from the Fund shall be made on the warrant of the Chairman of  
21 the Board of Trustees.

22 (c) When the State acquires land pursuant to this Article, the Trustees may direct  
23 a request to the State Treasurer to set aside an amount from the Fund not to exceed  
24 twenty percent (20%) of the appraised value of the land acquired, or the land affected if  
25 less than a fee interest was acquired, to be placed in a special stewardship account in the  
26 Fund. The special stewardship account shall be a nonlapsing account, and income  
27 derived from investment of the account shall be credited to the account. The special

1 stewardship account shall be used for the management of land acquired pursuant to this  
2 Article under the direction of the Trustees."

3 **"§ 113-77.11. Military Base Land Preservation Trust Fund Board of Trustees.**

4 (a) Expenditures from the Fund shall be authorized by a 12-member Board of  
5 Trustees. Four members shall be appointed by the Governor, four by the General  
6 Assembly upon the recommendation of the President Pro Tempore of the Senate in  
7 accordance with G.S. 120-121, and four by the General Assembly upon the  
8 recommendation of the Speakers of the House of Representatives in accordance with  
9 G.S. 120-121. Persons appointed shall be knowledgeable in the needs for the acquisition  
10 and preservation of sensitive lands around military bases and the problems of military  
11 base land encroachment. Each appointing officer shall designate one of his initial  
12 appointments to serve a two-year term, one to serve a four-year term, and one to serve a  
13 six-year term. Thereafter, all appointments shall be for six years, subject to  
14 reappointment. Appointments shall expire January 1 of even-numbered years. The  
15 Governor shall appoint one Trustee to serve as Chairman of the Board. The Secretary  
16 shall provide the Trustees with staff support and meeting facilities using expenditures  
17 from the Fund. The office of Trustee is declared to be an office that may be held  
18 concurrently with any other executive or appointive office, under the authority of  
19 Article VI, Section 9, of the North Carolina Constitution.

20 (b) The Trustees shall meet at least once each year and may hold special  
21 meetings at the call of the Chairman or a majority of the members.

22 (c) The Trustees shall receive the per diem, subsistence allowances, and travel  
23 expenses allowed for other members of boards and commissions of the State as fixed in  
24 the G.S. 138-5.

25 **"§ 113-77.12. Acquisition of lands with funds from the Military Base Land**  
26 **Preservation Trust Fund.**

27 (a) From time to time, but at least once each year, the Secretary of the  
28 Department of Administration, the Lieutenant Governor, and the Chair of the North  
29 Carolina Advisory Commission on Military Affairs, may propose to the Trustees  
30 interests in lands to be acquired with funds from the Fund. The interest in land may be  
31 fee simple absolute, easement, or any other interest. For each tract or interest proposed  
32 the Trustees shall be provided with the following information:

- 33 (1) The necessity for the purchase of the land of "military value" which is  
34 land that will affect the ability of the military to do their training,  
35 affect military readiness by providing roads, rail lines, ports, and  
36 airports to allow for rapid force deployment, and affect the use of  
37 bases for ongoing or proposed military operations.
- 38 (2) How the purchase of the land will impact existing base communities  
39 through the reduction of noise pollution and potential danger due to  
40 low-level aircraft and other military operations.
- 41 (3) Other sources of funds that may be available to assist in acquiring the  
42 land.
- 43 (4) What uses the land may be put that will not affect or hamper ongoing  
44 or proposed military training or operations.

1           (5) The State department or division that will be responsible for managing  
2           the land.

3           (b) The Trustees may accept by donation, or authorize the expenditure of funds,  
4           to acquire any interest in real property that meets any of the following:

5               (1) Any interest that will prevent the encroachment of development near  
6               military bases, or any other interest that would enhance the ability of  
7               the military to conduct ongoing or proposed military training or  
8               operations.

9               (2) Any interest that will serve to reduce the impact of noise on the  
10              citizens of North Carolina.

11              (3) Any interest that will serve to enhance the safety of the citizens of  
12              North Carolina.

13           (c) The Trustees may authorize the expenditure of funds to assist other  
14           organizations, public or private, to acquire interests in real property that meet the  
15           criteria that are set forth in subsection (b).

16           (d) The Department of Administration may, pursuant to G.S. 143-341, acquire by  
17           purchase, gift, devise, or convey all lands or interests in land selected by the Trustees  
18           for acquisition pursuant to this Article. Title to any land acquired pursuant to subsection  
19           (b) shall be vested in the State. A State agency with management responsibility for land  
20           acquired pursuant to this Article may enter into a management agreement or lease with a  
21           county, city, town, or private nonprofit organization qualified under G.S. 105-151.12  
22           and G.S. 105-130.34 and certified under section 501(c)(3) of the Internal Revenue Code  
23           to aid in managing the land. A management agreement or lease shall be executed by the  
24           Department of Administration pursuant to G.S. 143-341.

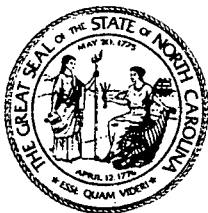
25           (e) In any county in which real property was purchased pursuant to this section  
26           where less than twenty-five percent (25%) of the land area is privately owned at the  
27           time of purchase, that county and any other local taxing unit shall be annually  
28           reimbursed, for a period of 20 years, from funds available to Fund in an amount equal to  
29           the amount of ad valorem taxes that would have been paid to the taxing unit if the  
30           property had remained subject to taxation.

31           (f) The Secretary shall maintain and revise twice each year a list of all  
32           expenditures and acquisitions made pursuant to this Article. The list shall include: a  
33           description of any interests in land and the amount paid to acquire the interest, the  
34           acreage of each tract acquired or received by donation, the county in which the tract is  
35           located, the amount paid from the Fund to acquire the tract, and the State department or  
36           division responsible for managing the tract. The Secretary shall furnish a copy of the  
37           list, within 30 days after each revision, to each Trustee, to the Joint Legislative  
38           Commission on Governmental Operations, to the Fiscal Research Division, and to the  
39           North Carolina Advisory Commission on Military Affairs.

40           (g) No provision of this Article shall be construed to eliminate hunting and  
41           fishing, or any other use of the land or interest in land as regulated by the laws of the  
42           State of North Carolina, upon properties purchased pursuant to this Article.

1           **SECTION 2.** There is appropriated from the General Fund to the  
2 Department of State Treasurer the sum of five million dollars (\$5,000,000) for the 2004-  
3 2005 fiscal year for the Military Base Land Preservation Trust Fund.

4           **SECTION 3.** This act becomes effective July 1, 2004.  
5



# **BILL NUMBER 2003-RK-45:**

## **Military Base Land Preservation Trust Fund**

### **BILL ANALYSIS**

**Committee:** Joint Select Committee on  
Military Affairs

**Date:** April 27, 2004

**Version:** 2003-LKz-193B [v.5]

**Introduced by:**

**Summary by:** Hal Pell  
Committee Counsel

**SUMMARY:** *This bill creates a Trust Fund to be used for preventing encroachment on military bases; help reduce the impact of noise; and to enhance safety for citizens. The act would be effective on July 1, 2004.*

### **BILL ANALYSIS:**

A Military Base Land Preservation Trust Fund would be established in the State Treasurer's Office. This would be a non-reverting fund, and would be managed by a 12 member board of trustees. The members would be appointed by the Governor, the President Pro Tempore, and the Speakers of the House of Representatives.

The Trustees would receive recommendations from the Secretary of the Department of Administration, the Lieutenant Governor, and the Chair of the North Carolina Advisory Commission on Military Affairs for the expenditure of funds. The Trustees may authorize the expenditure of funds, accept donations, or supplement other funds for the acquisition of any interest in land that:

- Would prevent the encroachment of development near military bases, or enhance training or operations.
- Would serve to reduce the impact of noise on citizens.
- Would serve to enhance the safety of citizens.

Upon authorization by the Trustees, the Department of Administration would expend trust funds for the acquisition of the interests selected by the Trustees. The bill would allow the State to enter into management agreements with either local governments or private, non-profit organizations.

If land is purchased that is less than 25% privately owned, then the county and local governing unit would be paid the ad valorem taxes that would be otherwise lost to the taxing units. The payments would be for a period of 20 years.

Five million (\$5,000,000) would be appropriated into the Fund for the 2004-2005 fiscal year.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

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BILL DRAFT 2003-RK-44 [v.1] (4/23)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)

4/23/2004 11:44:16 AM

Short Title: In-State Tuition for Military Reservists.

(Public)

Sponsors:

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE IN-STATE TUITION FOR MEMBERS OF THE  
RESERVE COMPONENTS WHO ARE ASSIGNED TO UNITS LOCATED IN  
NORTH CAROLINA.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116-143.1 reads as rewritten:

"§ 116-143.1. Provisions for determining resident status for tuition purposes.

(a) As defined under this section:

(1) A "legal resident" or "resident" is a person who qualifies as a  
domiciliary of North Carolina; a "nonresident" is a person who does  
not qualify as a domiciliary of North Carolina.

(2) A "resident for tuition purposes" is a person who qualifies for the  
in-State tuition rate; a "nonresident for tuition purposes" is a person  
who does not qualify for the in-State tuition rate.

(3) "Institution of higher education" means any of the constituent  
institutions of the University of North Carolina and the community  
colleges under the jurisdiction of the State Board of Community  
Colleges.

(b) To qualify as a resident for tuition purposes, a person must have established  
legal residence (domicile) in North Carolina and maintained that legal residence for at  
least 12 months immediately prior to his or her classification as a resident for tuition  
purposes. Every applicant for admission shall be required to make a statement as to his  
length of residence in the State.

(c) To be eligible for classification as a resident for tuition purposes, a person  
must establish that his or her presence in the State currently is, and during the requisite  
12-month qualifying period was, for purposes of maintaining a bona fide domicile

1 rather than of maintaining a mere temporary residence or abode incident to enrollment  
2 in an institution of higher education.

3 (d) An individual shall not be classified as a resident for tuition purposes and,  
4 thus, not rendered eligible to receive the in-State tuition rate, until he or she has  
5 provided such evidence related to legal residence and its duration as may be required by  
6 officials of the institution of higher education from which the individual seeks the  
7 in-State tuition rate.

8 (e) When an individual presents evidence that the individual has living parent(s)  
9 or court-appointed guardian of the person, the legal residence of such parent(s) or  
10 guardian shall be prima facie evidence of the individual's legal residence, which may be  
11 reinforced or rebutted relative to the age and general circumstances of the individual by  
12 the other evidence of legal residence required of or presented by the individual;  
13 provided, that the legal residence of an individual whose parents are domiciled outside  
14 this State shall not be prima facie evidence of the individual's legal residence if the  
15 individual has lived in this State the five consecutive years prior to enrolling or  
16 reregistering at the institution of higher education at which resident status for tuition  
17 purposes is sought.

18 (f) In making domiciliary determinations related to the classification of persons  
19 as residents or nonresidents for tuition purposes, the domicile of a married person,  
20 irrespective of sex, shall be determined, as in the case of an unmarried person, by  
21 reference to all relevant evidence of domiciliary intent. For purposes of this section:

22 (1) No person shall be precluded solely by reason of marriage to a person  
23 domiciled outside North Carolina from establishing or maintaining  
24 legal residence in North Carolina and subsequently qualifying or  
25 continuing to qualify as a resident for tuition purposes;

26 (2) No persons shall be deemed solely by reason of marriage to a person  
27 domiciled in North Carolina to have established or maintained a legal  
28 residence in North Carolina and subsequently to have qualified or  
29 continued to qualify as a resident for tuition purposes;

30 (3) In determining the domicile of a married person, irrespective of sex,  
31 the fact of marriage and the place of domicile of his or her spouse shall  
32 be deemed relevant evidence to be considered in ascertaining  
33 domiciliary intent.

34 (g) Any nonresident person, irrespective of sex, who marries a legal resident of  
35 this State or marries one who later becomes a legal resident, may, upon becoming a  
36 legal resident of this State, accede to the benefit of the spouse's immediately precedent  
37 duration as a legal resident for purposes of satisfying the 12-month durational  
38 requirement of this section.

39 (h) No person shall lose his or her resident status for tuition purposes solely by  
40 reason of serving in the armed forces outside this State.

41 (h1) Any member of a North Carolina National Guard unit or a member of a  
42 Reserve Component Unit based in North Carolina who is a non-resident shall be eligible  
43 to be charged the in-State tuition rate and shall pay the full amount of the in-State

1 tuition rate and applicable mandatory fees. This subsection applies to members in a  
2 reserve or active duty status.

3 (i) A person who, having acquired bona fide legal residence in North Carolina,  
4 has been classified as a resident for tuition purposes but who, while enrolled in a State  
5 institution of higher education, loses North Carolina legal residence, shall continue to  
6 enjoy the in-State tuition rate for a statutory grace period. This grace period shall be  
7 measured from the date on which the culminating circumstances arose that caused loss  
8 of legal residence and shall continue for 12 months; provided, that a resident's marriage  
9 to a person domiciled outside of North Carolina shall not be deemed a culminating  
10 circumstance even when said resident's spouse continues to be domiciled outside of  
11 North Carolina; and provided, further, that if the 12-month period ends during a  
12 semester or academic term in which such a former resident is enrolled at a State  
13 institution of higher education, such grace period shall extend, in addition, to the end of  
14 that semester or academic term.

15 (j) Notwithstanding the prima facie evidence of legal residence of an individual  
16 derived pursuant to subsection (e), notwithstanding the presumptions of the legal  
17 residence of a minor established by common law, and notwithstanding the authority of a  
18 judicially determined custody award of a minor, for purposes of this section, the legal  
19 residence of a minor whose parents are divorced, separated, or otherwise living apart  
20 shall be deemed to be North Carolina for the time period relative to which either parent  
21 is entitled to claim and does in fact claim the minor as a dependent for North Carolina  
22 individual income tax purposes. The provisions of this subsection shall pertain only to a  
23 minor who is claimed as a dependent by a North Carolina legal resident.

24 Any person who immediately prior to his or her eighteenth birthday would have  
25 been deemed under this subsection a North Carolina legal resident but who achieves  
26 majority before enrolling at an institution of higher education shall not lose the benefit  
27 of this subsection if that person:

28 (1) Upon achieving majority, acts, to the extent that the person's degree of  
29 actual emancipation permits, in a manner consistent with bona fide  
30 legal residence in North Carolina; and

31 (2) Begins enrollment at an institution of higher education not later than  
32 the fall academic term next following completion of education  
33 prerequisite to admission at such institution.

34 (k) Notwithstanding other provisions of this section, a minor who satisfies the  
35 following conditions immediately prior to commencement of an enrolled term at an  
36 institution of higher education, shall be accorded resident tuition status for that term:

37 (1) The minor has lived for five or more consecutive years continuing to  
38 such term in North Carolina in the home of an adult relative other than  
39 a parent, domiciled in this State; and

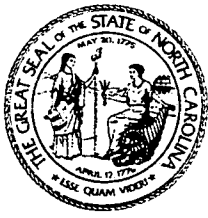
40 (2) The adult relative has functioned during those years as a de facto  
41 guardian of the minor and exercised day-to-day care, supervision, and  
42 control of the minor.

43 A person who immediately prior to his or her eighteenth birthday qualified for or  
44 was accorded resident status for tuition purposes pursuant to this subsection shall be

1 deemed upon achieving majority to be a legal resident of North Carolina of at least 12  
2 months' duration; provided, that the legal residence of such an adult person shall be  
3 deemed to continue in North Carolina only so long as the person does not abandon legal  
4 residence in this State.

5 (l) Any person who ceases to be enrolled at or graduates from an institution of  
6 higher education while classified as a resident for tuition purposes and subsequently  
7 abandons North Carolina domicile shall be permitted to reenroll at an institution of  
8 higher education as a resident for tuition purposes without necessity of meeting the  
9 12-month durational requirement of this section if the person reestablishes North  
10 Carolina domicile within 12 months of abandonment of North Carolina domicile and  
11 continuously maintains the reestablished North Carolina domicile at least through the  
12 beginning of the academic term(s) for which in-State tuition status is sought. The  
13 benefit of this subsection shall be accorded not more than once to any one person."

14 **SECTION 2.** This act becomes effective July 1, 2004.  
15



# **BILL NUMBER 2003-RK-44: In-State Tuition for Military Reservists.**

## **BILL ANALYSIS**

**Committee:** Joint Select Committee on  
Military Affairs

**Date:** April 27, 2004

**Version:** 2003-RK-44 [v.1]

**Introduced by:**

**Summary by:** Hal Pell  
Committee Counsel

**SUMMARY:** *This bill authorizes in-state tuition for member of the North Carolina National Guard or other Reserve Component members who are in North Carolina-based units. The act would be effective on July 1, 2004.*

### **BILL ANALYSIS:**

The bill would allow non-residents to attend colleges in North Carolina at in-state tuition rates if: the reservist is a member of the North Carolina National Guard, or in an armed forces reserve unit and their assigned unit is located in North Carolina.

### **BACKGROUND**

By current law, service members on active duty are charged the maximum available tuition assistance as their tuition. If a service member on active duty is not eligible for tuition assistance, the law provides that the in-state rate is applicable.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H/S

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BILL DRAFT 2003-LKz-196A\* [v.1] (4/14)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)

4/14/2004 12:48:32 PM

Short Title: Military Planning Notice Required.

(Public)

Sponsors: Representatives Sutton and K. Williams (Primary Sponsors)/Senator Hargett.

Referred to:

A BILL TO BE ENTITLED

AN ACT REQUIRING THE COUNTIES AND CITIES NEAR MILITARY INSTALLATIONS TO GIVE NOTICE OF PLANNING CHANGES TO THE MILITARY INSTALLATIONS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 153A-323 reads as rewritten:

**"§ 153A-323. Procedure for adopting or amending ordinances under this Article and Chapter 160A, Article 19.**

Before adopting or amending any ordinance authorized by this Article or Chapter 160A, Article 19, the board of commissioners shall hold a public hearing on the ordinance or amendment. The board shall cause notice of the hearing to be published once a week for two successive calendar weeks. The notice shall be published the first time not less than 10 days nor more than 25 days before the date fixed for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

When the land affected by the adoption or modification of the ordinance is in the vicinity of a military installation, the board shall notify the commander of the military installation in accordance with G.S. 127B-20."

**SECTION 2.** G.S. 160A-364 reads as rewritten:

**"§ 160A-364. Procedure for adopting or amending ordinances under Article.**

Before adopting or amending any ordinance authorized by this Article, the city council shall hold a public hearing on it. A notice of the public hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than 10 days nor more than 25 days before the date fixed for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

1     When the land affected by the adoption or modification of the ordinance is in the  
2     vicinity of a military installation, the board shall notify the commander of the military  
3     installation in accordance with G.S. 127B-20."

4             **SECTION 3.** Chapter 127B is amended by adding a new Article to read:

5                     "Article 3.

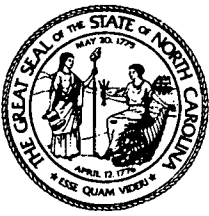
6                     "Land Use Planning in Vicinity of Military Installations.

7     **"§ 127B-20. Land use planning notice required.**

8     In proceedings involving the adoption or amendment of an ordinance described in  
9     G.S. 153A-323 or G.S. 160A-364, when the ordinance affects land within the vicinity of  
10    a military installation, the county or municipality shall send notice of the public hearing  
11    to the military installation commander by first class mail at least 30 days before the date  
12    fixed for the hearing. If the military provides comments or analysis concerning the  
13    compatibility of the proposed ordinance with military operations, the county or  
14    municipality shall consider and analyze the comments or analysis before making a final  
15    determination.

16    For purposes of this section and the requirement for notice, 'vicinity of a military  
17    installation' means that the land affected is in the county in which the military  
18    installation is located or is in a county adjoining the military installation."

19             **SECTION 4.** This act becomes effective July 1, 2004.  
20



## 2003-LKZ-196A: Military Planning Notice Required

### BILL ANALYSIS

**Committee:** Joint Select Commission on  
Military Affairs  
**Date:** April 26, 2004  
**Version:** v.1

**Introduced by:**  
**Summary by:** Barbara Riley  
Committee Counsel

### SUMMARY:

*2003-LKz-196A would require counties and cities planning to adopt or amend land use ordinances affecting property in the vicinity of a military installation to provide notice of the proposed ordinance or change to the commander of the military installation at least 30 days prior to the public hearing required under G.S. 153A-323 and G.S. 160A-364.*

### BACKGROUND:

A serious issue facing both military installations and local governments is the increase in residential and commercial development of land surrounding military bases. Development that occurs near aircraft flight paths, artillery ranges, drop zones and other training facilities can present problems ranging from high levels of noise to risk of injury in accident hazard zones. Encroaching development around a military installation can lead to the curtailing of military training activities. In the upcoming round of base closures under the Base Realignment and Closure Act (BRAC), encroachment issues will be critical. The primary criterion listed by the Department of Defense for military installations is military value, which includes the present and future mission capability of a base and its impact on readiness of the total force.

### BILL ANALYSIS:

**Sections 1 and 2.** G.S. 153A-323 and G.S. 160A-364 set forth the procedures for counties and cities, respectively, to adopt or amend land use ordinances. The statutes require that a public hearing be held and that notice of the hearing be published not less than 10 days or more than 25 days before the date of the hearing. Sections 1 and 2 of the bill would require that when an ordinance affects land in the vicinity of a military installation, the board of commissioners or city council must notify the commander of the nearby military installation of the public hearing.

**Section 3.** This section amends Chapter 127B of the General Statutes, Military Affairs, by adding Article 3 which requires that the commanding officer of a military installation shall be given 30 days written notice of the public hearing on the adoption or amendment of an ordinance affecting land in the vicinity of the military installation. The county or city must analyze and consider any comments made by the military before making a final decision on the ordinance or amendment. "Vicinity of a military installation" is defined to mean a county in which a military installation is located or a county adjacent to a county in which a military base is located.

The act would become effective July 1, 2004.

# VISITOR REGISTRATION SHEET

Joint Select Committee on Military Affairs

April 27, 2004

Name of Committee

Date

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME

FIRM OR AGENCY AND ADDRESS

|                   |   |
|-------------------|---|
| Henry M Lancaster | LCA   |
| Mikki Sage        | The Conservation Fund PO Box 271<br>Chapel Hill, NC 27514 |
| Cam Coker         | BPMHL   |
| Steve Wall        | DENR  |
| Angie McMillan    | The Nature Conservancy                                    |
| CHARLES ARCHER    | NC LEAGUE OF MUNICIPALITIES                               |
| John Berndt       | Consultant  |
| Doug Phelps       | NCACMA  |
| Jimmy Broughton   | Womble Carlyle  |
| KEVIN LEONARD     | WCSR  |
| Rick ZECHINI      | NCAR  |

## VISITOR REGISTRATION SHEET

Joint Select Committee on Military Affairs

April 27, 2004

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

SAM Poole

Ward & Smith

Don Holme

CCMTF

Lisa Martin

NC Home Builders Assoc.

Tom Greenwood

NC Eastern Region Partnership

John Alley

VFW

John Goodman

Alley Associates

Gene Byrd

NC DOC



**North Carolina General Assembly**  
State Legislative Building  
Raleigh 27601

May 11, 2004

**MEMORANDUM**

**Change In Meeting Date and Time**

**TO:** Members, Joint Select Committee on Military Affairs

**FROM:** Senator Cecil Hargett, Jr., Co-Chair  
Representative Ronnie Sutton, Co-Chair  
Representative Keith Williams, Co-Chair

**SUBJECT:** Committee Meeting Notice

There will be a meeting of the Joint Select Committee on Military Affairs:

**DAY:** ~~Thursday~~ Monday

**DATE:** ~~May 13, 2004~~ May 17, 2004

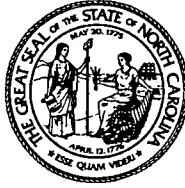
**TIME:** 8:30 A.M. One hour before session. (If the Senate and House convene at different times, one hour before the earlier of the two.)

**LOCATION:** Room 1425, Legislative Building

Please advise Martha Hoover, Committee Assistant, at 715-3009, or e-mail [williamskla@ncleg.net](mailto:williamskla@ncleg.net) if you will be unable to attend.

Posted: 11-May-04

cc: Committee Record   x    
Interested Parties   x



## **Joint Select Committee on Military Affairs**

### **Minutes May 17, 2004**

The Joint Select Committee on Military Affairs met on Monday, May 17, 2004, at 6:00 p.m. in Room 1425 of the Legislative Building. The following members were present: the Co-Chairs: Senator Cecil Hargett, Jr., Representative Ronnie Sutton, and Representative Keith Williams; Senators Katie Dorsett John Kerr, III, Tony Rand, R. B. Sloan, Jr., and Woody White; and Representatives Lorene Coates, Michael Gorman, Robert Grady, Charles Johnson, Marvin Lucas, Louis Pate, Jr., and Alex Warner.

Senator Hargett presided. After calling the meeting to order and welcoming the members and staff, he opened the floor for a motion to approve the minutes. The motion was made and the minutes were approved as written.

### **Committee Vote on Proposed Legislation**

Chairman Hargett then described the procedure to be followed in voting on six proposed bills that had been discussed during the last meeting on April 27<sup>th</sup>. He directed the members to vote up or down on each draft bill, noting that there would be opportunities for further discussion and amendments in the standing committees for those bills sent to the House and Senate.

Before the vote on each bill, Hal Pell and Barbara Riley, Committee staff, provided a brief overview and noted any changes that had been made since the April 27<sup>th</sup> meeting. Each bill was then briefly discussed and a vote was taken. All were unanimously approved.

- A JOINT RESOLUTION RECOGNIZING THE IMPORTANCE OF MILITARY BASES LOCATED IN THIS STATE TO ALL NORTH CAROLINIANS AND EXPRESSING THE GENERAL ASSEMBLY'S INTENT TO SUPPORT PROGRAMS AND STRATEGIES THAT PREVENT ENCROACHMENT UPON MILITARY INSTALLATIONS, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON MILITARY AFFAIRS. (Attachment 2)
- A BILL TO BE ENTITLED AN ACT TO MODIFY THE MEMBERSHIP OF THE ADVISORY COMMISSION ON MILITARY AFFAIRS. (Senate version is Attachment 3.)
- A BILL TO BE ENTITLED AN ACT TO REQUIRE COUNTIES AND CITIES NEAR MILITARY INSTALLATIONS TO GIVE NOTICE OF LAND USE PLANNING CHANGES TO THE MILITARY INSTALLATIONS. (Senate version is Attachment 4; Bill Analysis is Attachment 5.)
- A BILL TO BE ENTITLED AN ACT TO AUTHORIZE IN-STATE TUITION FOR MEMBERS OF THE RESERVE COMPONENTS WHO ARE ASSIGNED TO UNITS LOCATED IN NORTH CAROLINA. (Senate version is Attachment 6; Bill Analysis is Attachment 7.)
- A BILL TO BE ENTITLED AN ACT TO CREATE A MILITARY BASE LAND PRESERVATION FUND AND TO APPROPRIATE FUNDS TO PROTECT LANDS AROUND MILITARY BASES. (Senate version is Attachment 8; Bill Analysis is Attachment 9.)

- A BILL TO BE ENTITLED AN ACT TO WAIVE AN AMOUNT EQUAL TO ONE-THIRD OF THE FUEL TAX COLLECTED ON MILITARY INSTALLATIONS EACH YEAR TO ENABLE THE ARMED FORCES TO IMPROVE QUALITY-OF-LIFE PROGRAMS FOR MILITARY MEMBERS AND THEIR FAMILIES IN NORTH CAROLINA. (Senate version is Attachment 10; Bill Analysis is Attachment 11.)

Following the approval of these bills, as there was no further business before the Committee, Chairman Hargett thanked the members and adjourned the meeting at 6:28 p.m.

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Senator Cecil Hargett, Jr.  
Presiding Co-Chair

---

Martha Hoover, Clerk

Representative Ronnie Sutton, Co-Chair  
Representative Keith Williams, Co-Chair

#### **Attachments**

1. Agenda
2. A JOINT RESOLUTION RECOGNIZING THE IMPORTANCE OF MILITARY BASES LOCATED IN THIS STATE TO ALL NORTH CAROLINIANS AND EXPRESSING THE GENERAL ASSEMBLY'S INTENT TO SUPPORT PROGRAMS AND STRATEGIES THAT PREVENT ENCROACHMENT UPON MILITARY INSTALLATIONS, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON MILITARY AFFAIRS.
3. A BILL TO BE ENTITLED AN ACT TO MODIFY THE MEMBERSHIP OF THE ADVISORY COMMISSION ON MILITARY AFFAIRS.
4. A BILL TO BE ENTITLED AN ACT TO REQUIRE COUNTIES AND CITIES NEAR MILITARY INSTALLATIONS TO GIVE NOTICE OF LAND USE PLANNING CHANGES TO THE MILITARY INSTALLATIONS.
5. Bill Analysis, *Military Planning Notice Required*.
6. A BILL TO BE ENTITLED AN ACT TO AUTHORIZE IN-STATE TUITION FOR MEMBERS OF THE RESERVE COMPONENTS WHO ARE ASSIGNED TO UNITS LOCATED IN NORTH CAROLINA.
7. Bill Analysis, *In-State Tuition for Military Reservists*.
8. A BILL TO BE ENTITLED AN ACT TO CREATE A MILITARY BASE LAND PRESERVATION FUND AND TO APPROPRIATE FUNDS TO PROTECT LANDS AROUND MILITARY BASES.
9. Bill Analysis, *Military Base Land Preservation Fund*.
10. A BILL TO BE ENTITLED AN ACT TO WAIVE AN AMOUNT EQUAL TO ONE-THIRD OF THE FUEL TAX COLLECTED ON MILITARY INSTALLATIONS EACH YEAR TO ENABLE THE ARMED FORCES TO IMPROVE QUALITY-OF-LIFE PROGRAMS FOR MILITARY MEMBERS AND THEIR FAMILIES IN NORTH CAROLINA.
11. Bill Analysis, *Military Base Support*.



## **JOINT SELECT COMMITTEE ON MILITARY AFFAIRS**

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### **AGENDA**

May <sup>17</sup>27, 2004  
Room 1425, Legislative Building  
6:00 pm

### **WELCOME AND INTRODUCTION**

Senator Cecil Hargett, Co-Chair  
Representative Keith P. Williams, Co-Chair  
Representative Ronnie Sutton, Co-Chair

### **COMMITTEE DISCUSSION OF PROPOSED LEGISLATION**

- 1) Joint Resolution of Intent to Prevent Encroachment**
- 2) Changes to Commission on Military Affairs Membership**
- 3) Planning Notice Requirement**
- 4) In-State Tuition for Reservists**
- 5) Military Base Land Preservation Fund**
- 6) Fuel Tax Return to Military Installation**

**Instructions to Staff**

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**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2003**

**H**

**D**

**HOUSE JOINT RESOLUTION DRHJR50345-RK-47 (4/29)**

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Sponsors:     Representatives K. Williams; and Sutton.

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Referred to:

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1    A JOINT RESOLUTION RECOGNIZING THE IMPORTANCE OF MILITARY  
2    BASES LOCATED IN THIS STATE TO ALL NORTH CAROLINIANS AND  
3    EXPRESSING THE GENERAL ASSEMBLY'S INTENT TO SUPPORT  
4    PROGRAMS AND STRATEGIES THAT PREVENT ENCROACHMENT UPON  
5    MILITARY INSTALLATIONS, AS RECOMMENDED BY THE JOINT SELECT  
6    COMMITTEE ON MILITARY AFFAIRS.

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

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

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

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

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

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

26           Whereas, North Carolina is the home of several United States Coast Guard  
27    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 percent of the total military payroll, and that 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, and the loss of any military presence in North Carolina would have a tremendous negative impact on jobs and tax revenues in the entire State of North Carolina; and

Whereas, both the State of North Carolina and conservation entities have a long and historic partnership with the federal government, with the goal of preserving and protecting areas needed by the military bases to conduct training and to maintain operational readiness; and

Whereas, in 1995, an innovative, first-of-its-kind agreement with the Army was put into place that helped prevent urban sprawl and alleviate training area shortfalls near Fort Bragg; and

Whereas, a partnership with the Marine Corps has resulted in the purchase of a 2,500 acre tract of land, which borders Camp Lejeune on two sides, that had been slated for residential development; and

Whereas, a 38,000 acre tract that spans nine counties was purchased in the Onslow Bight, an important coastal plain landscape conservation area where Camp Lejeune is located; and

Whereas, land near Seymour Johnson Air Force Base was recently purchased through local government efforts, and a moratorium was placed on new development in the accident potential zone; and

Whereas, it is in the best interests of North Carolina and the federal government to continue the close relationships that have developed, and to continue to work together to provide for, and to expand, the military presence in North Carolina; and

Whereas, the North Carolina General Assembly, recognizing the importance of the military in North Carolina, created the North Carolina Advisory Commission on Military Affairs in 2001 with the purpose of advising the Governor and Secretary of Commerce on the existing military infrastructure in North Carolina, and to promote new military missions and economic opportunities for the State and its citizens; Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

**SECTION 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 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.

1           **SECTION 3.** The General Assembly expresses its intent to continue to  
2 support efforts designed to prevent encroachment upon military installations and to  
3 ensure that the military is fully able to train to accomplish its assigned missions.

4           **SECTION 4.** The General Assembly states its commitment to take measures  
5 necessary to avoid any closure of military installations or the realignment of military  
6 missions that would have a negative impact on the State and its citizens.

7           **SECTION 5.** The Secretary of State shall transmit a certified copy of this  
8 resolution to the elected representatives to the Congress of the United States from the  
9 State of North Carolina.

10           **SECTION 6.** This resolution is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S

D

SENATE DRS65398-RK-46A\* (4/26)

Short Title: Military Affairs Comm. Membership.

(Public)

Sponsors: Senator Hargett.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE MEMBERSHIP OF THE ADVISORY COMMISSION  
ON MILITARY AFFAIRS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 127C-2(c) reads as rewritten:

"(c) The following ~~members~~members, or their designee, shall serve ex officio:

(1) The Lieutenant Governor.

~~(1)(2)~~ Secretary of Crime Control and Public ~~Safety, or a designee.~~Safety.

~~(2)(3)~~ Secretary of ~~Commerce, or a designee.~~Commerce.

(4) The Secretary of Transportation.

(5) The Secretary of the Department of Environment and Natural  
Resources.

~~(3)(6)~~ Commanding General 18th Airborne Corps, Fort Bragg.

~~(4)(7)~~ Commanding General Marine Corps Base, Camp Lejeune.

~~(5)(8)~~ Commanding General Marine Corps Air Station, Cherry Point.

~~(6)(9)~~ Commander 4th FW, Seymour Johnson Air Force Base.

~~(7)(10)~~ Commander 43rd Airlift Wing, Pope Air Force Base.

~~(8)(11)~~ Commander of the U.S. Coast Guard Support Center, Elizabeth City.

~~(9)(12)~~ Adjutant General of the North Carolina National Guard.

(13) The Executive Director of the North Carolina League of  
Municipalities.

(14) The Executive Director of the North Carolina Association of County  
Commissioners.

(15) The Assistant Secretary for Veterans Affairs, Department of  
Administration."

**SECTION 2.** This act is effective when it becomes law.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003**

H

D

**BILL DRAFT 2003-RF-18 [v.4] (4/28)**

**(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)  
5/17/2004 12:11:45 PM**

Short Title: Military Planning Notices.

(Public)

Sponsors: Representative.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO REQUIRE COUNTIES AND CITIES NEAR MILITARY  
INSTALLATIONS TO GIVE NOTICE OF LAND USE PLANNING CHANGES  
TO THE MILITARY INSTALLATIONS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 153A-323 reads as rewritten:

**"§ 153A-323. Procedure for adopting or amending ordinances under this Article  
and Chapter 160A, Article 19.**

(a) Before adopting or amending any ordinance authorized by this Article or Chapter 160A, Article 19, the board of commissioners shall hold a public hearing on the ordinance or amendment. The board shall cause notice of the hearing to be published once a week for two successive calendar weeks. The notice shall be published the first time not less than 10 days nor more than 25 days before the date fixed for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

(b) If the adoption or modification of the ordinance will affect property in the vicinity of a military installation, the board of commissioners shall provide written notice of the proposed changes to the commander of the military installation at least 30 days prior to the public hearing. If the military provides comments or analysis regarding the compatibility of the proposed ordinance or amendment with military operations at the installation, the board of commissioners shall take the comments and analysis into consideration before making a final determination on the ordinance. For purposes of this section, the phrase 'property within the vicinity of a military installation' means land located 5 miles or less from the perimeter boundary of a military installation.

**SECTION 2.** G.S. 160A-364 reads as rewritten:

**"§ 160A-364. Procedure for adopting or amending ordinances under Article.**

1 (a) Before adopting or amending any ordinance authorized by this Article, the  
2 city council shall hold a public hearing on it. A notice of the public hearing shall be  
3 given once a week for two successive calendar weeks in a newspaper having general  
4 circulation in the area. The notice shall be published the first time not less than 10 days  
5 nor more than 25 days before the date fixed for the hearing. In computing such period,  
6 the day of publication is not to be included but the day of the hearing shall be included.

7 (b) If the adoption or modification of the ordinance will affect property in the  
8 vicinity of a military installation, the city council shall provide written notice to the  
9 commander of the military installation of the proposed changes at least 30 days prior to  
10 the public hearing. If the military provides comments or analysis regarding the  
11 compatibility of the proposed ordinance or amendment with military operations at the  
12 installation, the city council shall take the comments and analysis into consideration  
13 before making a final determination on the ordinance. For purposes of this section, the  
14 phrase 'property within the vicinity of a military installation' means land located 5 miles  
15 or less from the perimeter boundary of a military installation.

16 **SECTION 3.** This act becomes effective July 1, 2004.  
17  
18



## 2003-RFZ-18: Military Planning Notice Required

### BILL ANALYSIS

**Committee:** Joint Select Commission on  
Military Affairs  
**Date:** April 26, 2004  
**Version:** v/2

**Introduced by:**  
**Summary by:** Barbara Riley  
Committee Counsel

### SUMMARY:

*2003-RFz-18 would require counties and cities planning to adopt or amend land use ordinances affecting property in the vicinity of a military installation to provide notice of the proposed ordinance or change to the commander of the military installation at least 30 days prior to the public hearing required under G.S. 153A-323 and G.S. 160A-364.*

### BACKGROUND:

A serious issue facing both military installations and local governments is the increase in residential and commercial development of land surrounding military bases. Development that occurs near aircraft flight paths, artillery ranges, drop zones and other training facilities can present problems ranging from high levels of noise to risk of injury in accident hazard zones. Encroaching development around a military installation can lead to the curtailing of military training activities. In the upcoming round of base closures under the Base Realignment and Closure Act (BRAC), encroachment issues will be critical. The primary criterion listed by the Department of Defense for military installations is military value, which includes the present and future mission capability of a base and its impact on readiness of the total force.

### BILL ANALYSIS:

G.S. 153A-323 and G.S. 160A-364 set forth the procedures for counties and cities, respectively, to adopt or amend land use ordinances. The statutes require that a public hearing be held and that notice of the hearing be published not less than 10 days or more than 25 days before the date of the hearing.

Sections 1 and 2 of the bill would require that when a proposed ordinance or amendment affects property in the vicinity of a military installation, the board of commissioners or city council must notify the commander of the nearby military installation at least 30 days prior to the public hearing. The board or council must take into consideration any comments made by the military regarding the compatibility of the proposed ordinance and military operations at the base. "Property in the vicinity of a military installation" is defined to mean land located 5 miles or less from the perimeter boundary of a military installation.

The act would become effective July 1, 2004.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S

D

SENATE DRS85295-RK-44A\* (4/23)

Short Title: In-State Tuition for Military Reservists.

(Public)

Sponsors: Senator Hargett.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE IN-STATE TUITION FOR MEMBERS OF THE  
RESERVE COMPONENTS WHO ARE ASSIGNED TO UNITS LOCATED IN  
NORTH CAROLINA.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 116-143.1 reads as rewritten:

**"§ 116-143.1. Provisions for determining resident status for tuition purposes.**

(a) As defined under this section:

(1) A "legal resident" or "resident" is a person who qualifies as a domiciliary of North Carolina; a "nonresident" is a person who does not qualify as a domiciliary of North Carolina.

(2) A "resident for tuition purposes" is a person who qualifies for the in-State tuition rate; a "nonresident for tuition purposes" is a person who does not qualify for the in-State tuition rate.

(3) "Institution of higher education" means any of the constituent institutions of the University of North Carolina and the community colleges under the jurisdiction of the State Board of Community Colleges.

(b) To qualify as a resident for tuition purposes, a person must have established legal residence (domicile) in North Carolina and maintained that legal residence for at least 12 months immediately prior to his or her classification as a resident for tuition purposes. Every applicant for admission shall be required to make a statement as to his length of residence in the State.

(c) To be eligible for classification as a resident for tuition purposes, a person must establish that his or her presence in the State currently is, and during the requisite 12-month qualifying period was, for purposes of maintaining a bona fide domicile

1 rather than of maintaining a mere temporary residence or abode incident to enrollment  
2 in an institution of higher education.

3 (d) An individual shall not be classified as a resident for tuition purposes and,  
4 thus, not rendered eligible to receive the in-State tuition rate, until he or she has  
5 provided such evidence related to legal residence and its duration as may be required by  
6 officials of the institution of higher education from which the individual seeks the  
7 in-State tuition rate.

8 (e) When an individual presents evidence that the individual has living parent(s)  
9 or court-appointed guardian of the person, the legal residence of such parent(s) or  
10 guardian shall be prima facie evidence of the individual's legal residence, which may be  
11 reinforced or rebutted relative to the age and general circumstances of the individual by  
12 the other evidence of legal residence required of or presented by the individual;  
13 provided, that the legal residence of an individual whose parents are domiciled outside  
14 this State shall not be prima facie evidence of the individual's legal residence if the  
15 individual has lived in this State the five consecutive years prior to enrolling or  
16 reregistering at the institution of higher education at which resident status for tuition  
17 purposes is sought.

18 (f) In making domiciliary determinations related to the classification of persons  
19 as residents or nonresidents for tuition purposes, the domicile of a married person,  
20 irrespective of sex, shall be determined, as in the case of an unmarried person, by  
21 reference to all relevant evidence of domiciliary intent. For purposes of this section:

22 (1) No person shall be precluded solely by reason of marriage to a person  
23 domiciled outside North Carolina from establishing or maintaining  
24 legal residence in North Carolina and subsequently qualifying or  
25 continuing to qualify as a resident for tuition purposes;

26 (2) No persons shall be deemed solely by reason of marriage to a person  
27 domiciled in North Carolina to have established or maintained a legal  
28 residence in North Carolina and subsequently to have qualified or  
29 continued to qualify as a resident for tuition purposes;

30 (3) In determining the domicile of a married person, irrespective of sex,  
31 the fact of marriage and the place of domicile of his or her spouse shall  
32 be deemed relevant evidence to be considered in ascertaining  
33 domiciliary intent.

34 (g) Any nonresident person, irrespective of sex, who marries a legal resident of  
35 this State or marries one who later becomes a legal resident, may, upon becoming a  
36 legal resident of this State, accede to the benefit of the spouse's immediately precedent  
37 duration as a legal resident for purposes of satisfying the 12-month durational  
38 requirement of this section.

39 (h) No person shall lose his or her resident status for tuition purposes solely by  
40 reason of serving in the armed forces outside this State.

41 (h1) Any member of a North Carolina National Guard unit or a member of a  
42 Reserve Component Unit based in North Carolina who is a nonresident shall be eligible  
43 to be charged the in-State tuition rate and shall pay the full amount of the in-State

1 tuition rate and applicable mandatory fees. This subsection applies to members in a  
2 reserve or active duty status.

3 (i) A person who, having acquired bona fide legal residence in North Carolina,  
4 has been classified as a resident for tuition purposes but who, while enrolled in a State  
5 institution of higher education, loses North Carolina legal residence, shall continue to  
6 enjoy the in-State tuition rate for a statutory grace period. This grace period shall be  
7 measured from the date on which the culminating circumstances arose that caused loss  
8 of legal residence and shall continue for 12 months; provided, that a resident's marriage  
9 to a person domiciled outside of North Carolina shall not be deemed a culminating  
10 circumstance even when said resident's spouse continues to be domiciled outside of  
11 North Carolina; and provided, further, that if the 12-month period ends during a  
12 semester or academic term in which such a former resident is enrolled at a State  
13 institution of higher education, such grace period shall extend, in addition, to the end of  
14 that semester or academic term.

15 (j) Notwithstanding the prima facie evidence of legal residence of an individual  
16 derived pursuant to subsection (e), notwithstanding the presumptions of the legal  
17 residence of a minor established by common law, and notwithstanding the authority of a  
18 judicially determined custody award of a minor, for purposes of this section, the legal  
19 residence of a minor whose parents are divorced, separated, or otherwise living apart  
20 shall be deemed to be North Carolina for the time period relative to which either parent  
21 is entitled to claim and does in fact claim the minor as a dependent for North Carolina  
22 individual income tax purposes. The provisions of this subsection shall pertain only to a  
23 minor who is claimed as a dependent by a North Carolina legal resident.

24 Any person who immediately prior to his or her eighteenth birthday would have  
25 been deemed under this subsection a North Carolina legal resident but who achieves  
26 majority before enrolling at an institution of higher education shall not lose the benefit  
27 of this subsection if that person:

28 (1) Upon achieving majority, acts, to the extent that the person's degree of  
29 actual emancipation permits, in a manner consistent with bona fide  
30 legal residence in North Carolina; and

31 (2) Begins enrollment at an institution of higher education not later than  
32 the fall academic term next following completion of education  
33 prerequisite to admission at such institution.

34 (k) Notwithstanding other provisions of this section, a minor who satisfies the  
35 following conditions immediately prior to commencement of an enrolled term at an  
36 institution of higher education, shall be accorded resident tuition status for that term:

37 (1) The minor has lived for five or more consecutive years continuing to  
38 such term in North Carolina in the home of an adult relative other than  
39 a parent, domiciled in this State; and

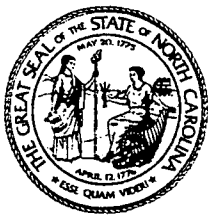
40 (2) The adult relative has functioned during those years as a de facto  
41 guardian of the minor and exercised day-to-day care, supervision, and  
42 control of the minor.

43 A person who immediately prior to his or her eighteenth birthday qualified for or  
44 was accorded resident status for tuition purposes pursuant to this subsection shall be

1 deemed upon achieving majority to be a legal resident of North Carolina of at least 12  
2 months' duration; provided, that the legal residence of such an adult person shall be  
3 deemed to continue in North Carolina only so long as the person does not abandon legal  
4 residence in this State.

5 (l) Any person who ceases to be enrolled at or graduates from an institution of  
6 higher education while classified as a resident for tuition purposes and subsequently  
7 abandons North Carolina domicile shall be permitted to reenroll at an institution of  
8 higher education as a resident for tuition purposes without necessity of meeting the  
9 12-month durational requirement of this section if the person reestablishes North  
10 Carolina domicile within 12 months of abandonment of North Carolina domicile and  
11 continuously maintains the reestablished North Carolina domicile at least through the  
12 beginning of the academic term(s) for which in-State tuition status is sought. The  
13 benefit of this subsection shall be accorded not more than once to any one person."

14 **SECTION 2.** This act becomes effective July 1, 2004.



## **BILL NUMBER 2003-RK-44: In-State Tuition for Military Reservists.**

### **BILL ANALYSIS**

**Committee:** Joint Select Committee on  
Military Affairs

**Date:** May 17, 2004

**Version:** RK-44

**Introduced by:** Representatives Sutton; K.  
Williams.

**Summary by:** Hal Pell  
Committee Counsel

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**SUMMARY:** *This bill authorizes in-state tuition for member of the North Carolina National Guard or other Reserve Component members who are in North Carolina-based units. The act would be effective on July 1, 2004.*

### **BILL ANALYSIS:**

The bill would allow non-residents to attend colleges in North Carolina at in-state tuition rates if: the reservist is a member of the North Carolina National Guard, or in an armed forces reserve unit and their assigned unit is located in North Carolina.

### **BACKGROUND**

By current law, service members on active duty are charged the maximum available tuition assistance as their tuition. If a service member on active duty is not eligible for tuition assistance, the law provides that the in-state rate is applicable. The Tuition Assistance Program provides members of the North Carolina National Guard with up to \$2,000 per year for tuition.

2003-rk-44

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S

D

SENATE DRS75293-RK-45A\* (4/26)

Short Title: Military Base Land Preservation Fund.

(Public)

Sponsors: Senator Hargett.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO CREATE A MILITARY BASE LAND PRESERVATION FUND AND  
TO APPROPRIATE FUNDS TO PROTECT LANDS AROUND MILITARY  
BASES.

The General Assembly of North Carolina enacts:

**SECTION 1.** Chapter 113 of the General Statutes is amended by adding a  
new Article to read:

**"Article 5B.**

**"Military Base Land Preservation Fund.**

**"§ 113-77.10. Military Base Land Preservation Fund.**

(a) There is established a Military Base Land Preservation Fund in the State  
Treasurer's office that shall be used to finance the Military Base Land Preservation  
Program authorized by this Article.

(b) The State Treasurer shall hold the Fund separate and apart from all other  
moneys, funds, and accounts. Investment earnings credited to the assets of the Fund  
shall become part of the Fund. The Fund may include any moneys, funds, accounts, or  
assets from whatever source, including appropriations from the General Assembly,  
specifically designated to be placed in the Fund. Any balance remaining in the Fund at  
the end of any fiscal year shall be carried forward in the Fund for the next succeeding  
fiscal year. Payments from the Fund shall be made on the warrant of the Chair of the  
Board.

(c) The Board shall set aside an amount from the Fund, not to exceed twenty  
percent (20%) of the appraised value of acquired land, or the land affected if less than a  
fee interest is acquired for the management of the acquired land."

**"§ 113-77.11. Military Base Land Preservation Fund Board.**

(a) Expenditures from the Fund shall be authorized by a 13-member Board of  
Directors. The Board shall consist of 13 members as follows:

- (1) Four at-large members shall be appointed by the Governor. Persons appointed shall be knowledgeable about the acquisition and preservation of lands and other interests necessary to military operations, and the problems of encroachment on military installations.
- (2) Four members of the Senate upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121.
- (3) Four members of the House of Representatives upon the recommendation of the Speakers of the House of Representatives in accordance with G.S. 120-121.
- (4) The Secretary of the Department of Administration, who shall serve as Chair.

The appointing authorities shall designate two of their initial appointments to serve two-year terms, and the other two appointments to serve three-year terms. Thereafter, all appointments shall be for four years, subject to reappointment. Appointments shall expire January 1 of even-numbered years. The Secretary of the Department of Administration shall provide the Board with staff support and meeting facilities using expenditures from the Fund. Membership on the Board is declared to be a position that may be held concurrently with any other executive or appointive office, under the authority of Article VI, Section 9, of the North Carolina Constitution.

(b) The Board shall meet at least once each year and may hold special meetings at the call of the Chair or a majority of the members.

(c) The Board shall receive the per diem, subsistence allowances, and travel expenses allowed for other members of boards and commissions of the State as fixed in G.S. 138-5.

**"§ 113-77.12. Acquisition of lands with funds from the Military Base Land Preservation Fund.**

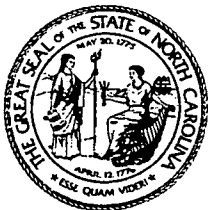
(a) From time to time, but at least once each year, the North Carolina Advisory Commission on Military Affairs shall recommend to the Board any interests in property to be acquired with funds from the Fund. The interests may be fee simple absolute, easement, or any other interest. For each tract or interest proposed, the Board shall be provided with the following information:

- (1) The military value and necessity for the purchase of the land. For the purposes of this section, "military value" of land means that the land will affect the ability of the military to do their training; affect military readiness by providing roads, rail lines, ports, and airports to allow for rapid force deployment; or affect the ability of the military to conduct ongoing or proposed military operations.
- (2) How the purchase of the land will impact existing communities through the reduction of noise pollution and potential danger due to low-level aircraft and other military operations.
- (3) Other sources of funds that may be available to assist in acquiring the land.
- (4) Potential uses for the land that will not affect or hamper ongoing or proposed military training or operations.

- 1           (5) The State agency that will be responsible for managing the land.  
2       (b) The Board may acquire by donation, or authorize the expenditure of, funds to  
3 purchase any interest in real property that meets any of the following:  
4           (1) Any interest that will prevent the encroachment of development near  
5 military installations, or any other interest that would enhance the  
6 ability of the military to conduct ongoing or proposed military training  
7 or operations.  
8           (2) Any interest that will serve to reduce the impact of noise on the  
9 citizens of North Carolina.  
10          (3) Any interest that will serve to enhance the safety of the citizens of  
11 North Carolina.  
12       (c) The Board may authorize the expenditure of funds to assist other  
13 organizations, public or private, to acquire interests in real property that meet the  
14 criteria that are set forth in subsection (b).  
15       (d) The Department of Administration may, pursuant to G.S. 143-341, acquire by  
16 purchase, gift, or receive by devise or conveyance all lands or interests in land selected  
17 by the Board for acquisition pursuant to this Article. Title to any land acquired pursuant  
18 to subsection (b) of this section shall be vested in the State.  
19       (e) A State agency with management responsibility for land acquired pursuant to  
20 this Article may enter into a management agreement or lease with a county, city, town,  
21 or private nonprofit organization qualified under G.S. 105-151.12 and G.S. 105-130.34  
22 and certified under section 501(c)(3) of the Internal Revenue Code to aid in managing  
23 the land. A management agreement or lease shall be executed by the Department of  
24 Administration pursuant to G.S. 143-341.  
25       (f) The Secretary shall maintain and revise twice each year a list of all  
26 expenditures and acquisitions made pursuant to this Article. The list shall include: a  
27 description of any interests in land and the amount paid to acquire the interest, the  
28 acreage of each tract acquired or received by donation, the county or counties in which  
29 the tract is located, the amount paid from the Fund to acquire the tract, and the State  
30 agency or other entity responsible for managing the tract. The Secretary shall furnish a  
31 copy of the list, within 30 days after each revision, to each Board member, to the Joint  
32 Legislative Commission on Governmental Operations, to the Fiscal Research Division,  
33 and to the North Carolina Advisory Commission on Military Affairs."

34       **SECTION 2.** There is appropriated from the General Fund to the  
35 Department of State Treasurer the sum of five million dollars (\$5,000,000) for the  
36 2004-2005 fiscal year for the Military Base Land Preservation Fund.

37       **SECTION 3.** This act becomes effective July 1, 2004.



## **BILL NUMBER RK-45: Military Base Land Preservation Fund**

### **BILL ANALYSIS**

**Committee:** Joint Select Committee on  
Military Affairs

**Date:** May 17, 2004

**Version:** RK-45

**Introduced by:** Representative K. Williams;  
Sutton.

**Summary by:** Hal Pell  
Committee Counsel

**SUMMARY:** *This bill creates a Fund to be used for preventing encroachment on military bases; help reduce the impact of noise; and to enhance safety for citizens. The act would be effective on July 1, 2004.*

### **BILL ANALYSIS:**

This bill would create a Military Base Land Preservation Fund. This would be a non-reverting fund, and would be managed by a 13 member Board of Directors. The members would be appointed by the Governor, the President Pro Tempore, and the Speakers of the House of Representatives. The Secretary of the Department of Administration would be the Chair.

The Board would receive recommendations for the expenditure of funds from the North Carolina Advisory Commission on Military Affairs. The Board may authorize the expenditure of funds, accept donations, or supplement other funds for the acquisition of any interest in land that:

- Would prevent the encroachment of development near military bases, or enhance training or operations.
- Would serve to reduce the impact of noise on citizens.
- Would serve to enhance the safety of citizens.

Upon authorization by the Board, the Department of Administration would expend funds for the acquisition of the interests. The bill would allow the State to enter into management agreements with either local governments or private, non-profit organizations.

Five million (\$5,000,000) would be appropriated into the Fund for the 2004-2005 fiscal year.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

H

D

BILL DRAFT 2003-RFz-19 [v.1] (5/10)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)  
5/10/2004 12:08:09 PM

Short Title: Military Base Support.

(Public)

Sponsors: Representative.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO WAIVE AN AMOUNT EQUAL TO ONE-THIRD OF THE FUEL TAX  
COLLECTED ON MILITARY INSTALLATIONS EACH YEAR TO ENABLE  
THE ARMED FORCES TO IMPROVE QUALITY-OF-LIFE PROGRAMS FOR  
MILITARY MEMBERS AND THEIR FAMILIES IN NORTH CAROLINA..

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 2 of Chapter 136 of the General Statutes is amended by  
adding a new section to read:

**"§ 136-41.9. Appropriation for military installations.**

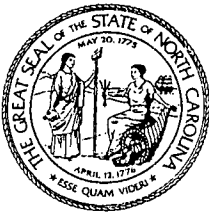
There is annually appropriated from the State Highway Fund to the United States  
Department of Defense a sum equal to the estimated net amount after refunds that was  
produced during the preceding fiscal year by a eight-cent (8¢) tax on each gallon of  
motor fuel and alternative fuel taxed under Article 36C or 36D of Chapter 105 of the  
General Statutes and sold within a military installation. The Department of Defense  
shall use these funds only for community services and other expenditures to improve  
quality-of-life programs for military members and their families in North Carolina."

**SECTION 2.** G.S. 105-449.62 reads as rewritten:

**"§ 105-449.62. Nature of tax.**

This Article imposes a tax on motor fuel to provide revenue for the State's  
transportation ~~needs and~~ needs, for the other purposes listed in Part 7 of this  
~~Article.~~ Article, and for the purposes provided in G.S. 136-41.9. The tax is collected  
from the supplier or importer of the fuel because this method is the most efficient way  
to collect the tax. The tax is designed, however, to be paid ultimately by the person who  
consumes the fuel. The tax becomes a part of the cost of the fuel and is consequently  
paid by those who subsequently purchase and consume the fuel."

**SECTION 3.** This act becomes effective July 1, 2005.



## 2003-LKXZ-193A: Military Base Support

### *BILL ANALYSIS*

**Committee:** Joint Select Commission on  
Military Affairs  
**Date:** April 26, 2004  
**Version:** v.1

**Introduced by:**  
**Summary by:** Barbara Riley  
Committee Counsel

### **SUMMARY**

2003-LKxz-193A would appropriate funds from the State Highway Fund to the Department of Defense. The sum appropriated would be an amount equal to one third of the fuel tax on motor fuels and alternative fuels taxed under Article 36C and 36D of Chapter 105 of the General Statutes that is sold on a military installation; approximately 8 cents per gallon. The money shall be used by the Department of Defense only for community services and quality of life programs for military members and their families in North Carolina.

The act would become effective July 1, 2005.

## VISITOR REGISTRATION SHEET

Joint Select Committee on Military Affairs

May 17, 2004

Name of Committee

Date

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME

FIRM OR AGENCY AND ADDRESS

|                 |  |
|-----------------|--|
| John Bernolt    | Consultant<br>205 Homestead Drive CARY, NC 27513 |
| Angie Manton    | TMC  |
| Tamara Cheng    | The Nature Conservancy                           |
| Lisa Martin     | NC Home Builders Assoc.                          |
| Jim Holman      | Cumtfc   |
| Henry Lancaster | LCA/TCF  |
| Kathy Hawkins   | Progress Energy                                  |
| Rick Zechini    | NC Assoc. of <del>TRACTORS</del>                 |
| F. Doug Phelps  | NCACMA   |
| Yolanda McShin  | CRL  |
| Cam Oprea       | VB PM LLC  |

## VISITOR REGISTRATION SHEET

Joint Select Committee on Military Affairs

May 17, 2004

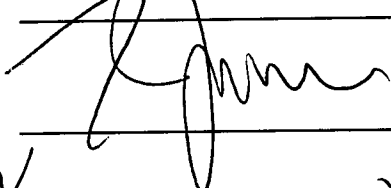
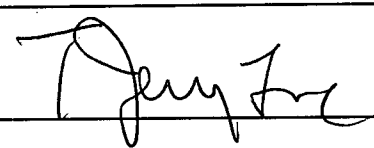
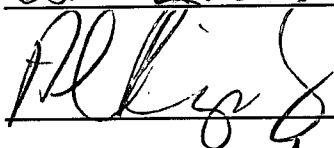

Name of Committee

Date

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME

FIRM OR AGENCY AND ADDRESS

|   |  |
|---|--|
|  |  |
| Kevin Leonard   | DCSR   |
|  |   |
| Paul Meyer  | NCACC  |
| Edgar Miller  | CTNC   |
| DWAYNE PINKNEY  | UNC  |
| Mark Fleming  | unc  |
|   |  |
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DRAFT

# Strategic Plan

**North Carolina Advisory Commission  
On Military Affairs**



**February 2004**

# **Strategic Plan**

## **North Carolina Advisory Commission On Military Affairs**

**John A. Berndt, Consultant  
February 2004**

Cover: A soldier from the Army's 82nd Airborne exits out of an Air Force C-141B Starlifter over the Sicily Drop Zone at Fort Bragg. DoD photo by Kenn Mann, U.S. Air Force.

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## **North Carolina Advisory Commission on Military Affairs**

### **Appointed by the Governor**

General (Ret.) Hugh Shelton, Co-chair, Fairfax, VA  
Troy W. Pate, Co-chair, Goldsboro  
Lt. Colonel (Ret) Robert Anderson, Fayetteville  
Jimmie Edmundson, Goldsboro  
Charles Efird, Jacksonville  
Marta Jo Faircloth, Fayetteville  
Major (Ret) David Green, Parkton  
Joseph Henderson, Jacksonville  
Dr. Ronald K. Lingle, Jacksonville\*  
Ron McElheney, Jacksonville\*  
Edward Melvin, Jr., Fayetteville  
Maj. General (Ret) Hugh Overholt, New Bern  
Daniel "Sonny" Roberts III, New Bern  
Maj. General (Ret) Ray Smith, Jacksonville  
Hal Tanner, Jr., Goldsboro  
Brenda Wilson, Havelock

### **Appointed by President Pro Tem of the Senate**

Brenda Dougherty, Wake Forest  
Mayor Alfonso King, Goldsboro  
Senator Scott Thomas, New Bern

### **Appointed by Speaker of the House**

Paul Butler, Elizabethtown  
Preston Garris, LaGrange  
Rear Admiral (Ret) Steve Glass, Cary

### **Ex Officio**

Secretary Bryan Beatty, NC Dept. of Crime Control & Public Safety  
Brig. Gen. Robert C. Dickerson Jr., Commanding General, Marine Corps Base Camp Lejeune  
Secretary Jim Fain, NC Dept of Commerce  
Maj. General Robert Flanagan, Commanding General, Marine Corps Air Station Cherry Point  
Maj. General William Ingram, Jr., Adjutant General, NC National Guard  
Col. Frank J. Kisner, Commander, 43<sup>rd</sup> Airlift Wing, Pope Air Force Base  
Captain Steven Krupa, Commanding Officer, US Coast Guard Support Center, Elizabeth City  
Brig. Gen. Eric Rosborg, Commander, 4<sup>th</sup> Fighter Wing, Seymour Johnson Air Force Base  
Lt. General John R. Vines, Commanding General, XVIII Airborne Corps and Fort Bragg

\* Former member

## Introduction

The North Carolina legislature created the Advisory Commission on Military Affairs (ACMA) in 2001 "...to advise the Governor and the Secretary of Commerce on protecting the existing military infrastructure in this State and to promote new military missions and economic opportunities for the State and its citizens." [G.S. 127C-1]

The Commission's responsibilities, as enumerated in Chapter 127C of the General Statutes, include development of a strategic plan to support the long-term viability and prosperity of the military in this State. The strategic plan is to include an economic impact study of military activities in North Carolina, and a Strengths/Weaknesses/Opportunities/Threats (SWOT) analysis on the status of the military in the state. [G.S. 127C-4(2)]

The SWOT analysis, completed in May 2003, provided an issues framework upon which to base this plan. Commission members, military installations, and other interested parties provided input for the SWOT analysis that fit into four major categories: 1) Training and operational readiness, 2) Quality of life, 3) Business development, and 4) State/local/federal relations. Emergence of these four basic themes prompted the Commission to reorganize its committee structure accordingly. The ***Military Base Sustainability*** committee developed goals, objectives and strategies to address training and operational readiness. The ***Quality of Life and Workforce Development*** committee focused on improving conditions for service members and their families. The ***Economic Development*** committee studied ways to enhance military procurement and related business development. The ***Intergovernmental Affairs and Public Relations*** committee explored methods to facilitate communication and cooperation between military bases, communities, and others interested in military issues.

Several organizations and individuals contributed ideas throughout the strategic planning process. These included the North Carolina Bankers Association, the Small Business and Technology Development Center/ Procurement Technical Assistance Center, Eastern Carolina Workforce Development Board, North Carolina Commission on Workforce Development, Eastern Carolina Council, Department of Commerce -- Business and Industry Division and Division of Community Assistance, and various local government and economic development representatives.

The North Carolina League of Municipalities and Association of County Commissioners also participated through a jointly created Local Government Military Base Advisory Committee. This committee reviewed earlier ACMA recommendations dealing with urban encroachment around military bases, and validated the importance of state and local actions to protect these vital assets to the state's economy.

A joint meeting of the state Economic Development Board and Advisory Commission on Military Affairs held on November 13, 2003 at Fort Bragg helped to focus statewide attention on military-related development issues. Speakers, including the Governor and Lieutenant Governor, emphasized the importance of the military to the state and rallied support for vigilance during the

upcoming BRAC process. Panelists representing the UNC system, Community College system, financial and economic development organizations, defense contractors, local and state government gave insightful presentations regarding current programs and continuing challenges to capture more of the benefits of the military presence in this state. Much of this information was useful in defining strategies for this plan.

As with any planning process, the true measure of this plan's success will be the extent to which its recommendations are carried out. The ACMA jump-started the implementation phase at its December 18, 2003 meeting by endorsing several strategies for the Governor's immediate attention. This level of enthusiasm and support for implementing the plan's recommendations bodes well for reinforcing the Governor's commitment to make North Carolina the most military-friendly state in the country.

# **Advisory Commission on Military Affairs Strategic Plan**

## **Mission**

The mission of the ACMA is to advise the Governor, the Lt. Governor, the Secretary of Commerce, and others as appropriate, on ways to support military bases, missions, personnel, and families, and increase economic development opportunities associated with the military and related activities.

## **Vision**

The Defense establishment including the Department of Defense, the uniformed services, service members and their families, as well as businesses that provide or could potentially provide goods and services to the military, will recognize North Carolina as the most military-friendly state in the country.

## **Guiding Principles**

The North Carolina Advisory Commission on Military Affairs will ...

1. Support service members and their families who are assigned to North Carolina bases, and North Carolinians wherever they are serving worldwide.
2. Promote and facilitate good communication between individuals, groups, and organizations that interact with or support the military and military-related economic development.
3. Recognize the importance and unique contributions of all branches of the military, including the National Guard and Reserve.
4. Value the economic importance of North Carolina's military bases and employment opportunities for civilians and service members.
5. Support veterans' organizations and pay tribute to military veterans for their service and sacrifice.

## **Themes**

The strategic plan focuses on the following themes: 1) Military Base Sustainability, 2) Quality of Life and Workforce Development, 3) Economic Development, and 4) Intergovernmental Affairs and Public Relations. Each of the plan's themes, or major topics, evolved out of discussions during the SWOT analysis phase of the strategic planning process. Each theme has an overall goal with supporting objectives and strategies to achieve the objectives.

## **Military Base Sustainability**

Long-term mission capability and viability of our military bases is the single most important objective to ensure that North Carolina maintains the significant economic benefits of the military presence in this state. Criteria and standards for judging viability of a military installation can change over time. A military base that is viable today may not necessarily be viable 20 or 30 years from now. Several factors can influence viability, including revised force structures to respond to changing national security threats, new doctrines such as “jointness” and other elements of “transformation,” new weapons systems, technology, and general budget considerations. While it is important to focus on today’s hot-button issues, such as land use encroachment around our bases, it is also important to stay tuned to other evolving matters such as doctrine and weapons systems in order to be proactive in protecting our base structure.

## **Quality of Life and Workforce Development**

Supporting our troops and their families is important because it helps reinforce North Carolina’s stature as a military-friendly state. Helping our men and women in the armed forces is also the right thing to do. It is difficult to do too much for people who put their lives at risk to protect our freedom. Besides altruistic motives, it makes good business sense for the state to cultivate the good will of service members whose training and work ethic makes them good recruiting tools for economic development projects. Treating them well while they are in uniform should increase the odds that they will want to stay in North Carolina after they leave service.

## **Economic Development**

The military has a profound effect on North Carolina’s economy, not only in the eastern part of the state where major bases are located, but statewide. Active military and defense department civilian payrolls, Reserve and National Guard pay, and military retiree pay total more than \$5 billion annually. Defense contracts and grants add another \$1.5 billion to the total FY 2002 defense spending of \$6.7 billion in the state. Secondary and tertiary impacts of this spending add billions more to this total. There are opportunities to do much more business through defense contracting. Although North Carolina ranks high nationally with 4.5 percent of total military payroll, the state does not fare well in military contracts with only 1 percent of the national total.

## **Intergovernmental Affairs and Public Relations**

Intergovernmental coordination and cooperation is the “glue” that can hold all of the other efforts together to ensure success in achieving the goal of North Carolina being the most military-friendly state in the nation. Issues addressed in this strategic plan are complex and require the support of many groups and organizations, both public and non-public. State government must show strong leadership and commitment to follow through on the recommendations in this plan. Local governments play an especially critical role in protecting bases from mission-threatening development. Other organizations, especially the university system and community colleges, economic development groups, military and veteran support organizations, and the military services and bases all have important roles to play.

## **Military Base Sustainability**

**Goal 1: Ensure that North Carolina's military bases, units and missions -- including active components, National Guard and Reserve -- continue to play a major role in America's defense strategy and the economic health and vitality of our communities.**

Sustainability of our military bases means that they will be able to function into the foreseeable future as viable platforms for training the force and projecting America's defense capabilities worldwide. Goal 1 acknowledges the importance of three interrelated topics -- bases, units, and missions -- each of which reinforces the other. If any one of these is missing or deficient, the other two cannot succeed. Organizational structures and mission capabilities are driven by threat analyses. This, in turn, will determine the purposes and location of our military bases. The upcoming round of base closures, BRAC 2005, is designed to achieve this balance. Protecting our bases from influences that impede their training missions and operations capabilities and ensuring that they have the infrastructure to meet their needs are the best ways that the state can help ensure their sustainability and survivability.

**Objective 1.1 - Protect bases from incompatible development that could compromise military missions or preclude expansion of activities and associated economic growth and vitality of communities around the bases.**

Urban encroachment around military bases was the top priority issue identified in the SWOT analysis. Some land uses are especially unsuitable and incompatible with military training activities. Development that occurs in high noise areas and accident potential zones is especially problematic. Local governments, in cooperation with military officials, have recently completed land use studies around each of the major bases in the state. These studies identified land use conflicts and made recommendations to mitigate existing problems and help prevent future incompatible uses. Some of these recommendations are controversial because they limit the kinds of uses that owners can make of their property. However, many communities throughout the state already have these kinds of land use restrictions in place through zoning and similar laws.

The ACMA recognized the importance of this issue, and in March 2003, the Commission sent six recommendations to the Governor requesting his support for legislation to address this issue. Because these recommendations would affect local governments, the North Carolina League of Municipalities and Association of County Commissioners jointly convened a special study group to develop policy concerning military bases. This group reviewed the ACMA's recommendations and endorsed most of them with modifications. The following strategies reinforce the importance of the Commission's original recommendations, while considering the options supported by the local government study group.

**Strategy 1.1.1** Advocate and lobby for implementation of compatible land use recommendations submitted in 3/25/2003 letter from the Commission to the Governor.

Target: Ongoing

Measure: Implementation of recommendations through legislation and executive actions

Responsibility: ACMA; Governor; Legislature

Cost: None

Note: The recommendations to the Governor were as follows: 1) require local governments to formally delineate "buffer zones" subject to high noise and accident potential, 2) require real estate disclosure statements, 3) require land use plans, 4) require sound attenuation building techniques, 5) limit infrastructure improvements in buffer areas, and 6) acquire property within buffer areas and beyond.

**Strategy 1.1.2** Consider modifications to 3/25/2003 recommendations to the Governor based on feedback from local government officials as endorsed by the North Carolina Local Government Military Base Advisory Committee.

Target: March 2004

Measure: Revised Commission recommendations on encroachment

Responsibility: ACMA; League of Municipalities; Association of County Commissioners

Cost: To be determined. The local government committee recommendations call for state funding to develop local land use plans, and state payment in lieu of taxes for reduced/lost property values.

**Strategy 1.1.3** Present Commission's updated/revised land use encroachment recommendations to the Governor and legislative Joint Select Committee on Military Affairs.

Target: March 2004

Measure: Briefings completed

Responsibility: ACMA; Governor's office; Legislative Joint Select Committee on Military Affairs

Cost: None

Note: The North Carolina General Assembly created the Joint Select Committee on Military Affairs in November 2003 to study the State's relationship with the military. The committee, consisting of 10 House members and 10 Senate members, is specifically charged with studying urban development encroachment on military bases.

**Strategy 1.1.4** Establish a "Military Base Protection Trust Fund" to help acquire property or easements of critical land around installations. The fund could be capitalized through state gasoline taxes generated by sales on military bases.

Target: June 2004

Measure: Fund established

Responsibility: Legislature

Cost: None - this would be a reallocation from the Highway Trust Fund

Note: In its 2003 session, the General Assembly considered, but did not pass, legislation to rebate one-third of state gasoline taxes collected on military installations back to the installations for quality of life improvements. The ACMA subsequently modified its recommendation and in December 2003 endorsed a new concept to retain 50 percent of state gasoline taxes collected on military installations. One half of this amount (25 percent of the total collected) would be returned to the installations for quality of life improvements, and the other portion (25 percent of the total collected) would capitalize a trust fund to help purchase development rights around military bases. Based on 2001 gasoline taxes collected, the bases would share approximately \$1.6 million annually, and \$1.6 million would go to the trust fund each year.

**Strategy 1.1.5** Develop a 'critical properties' database and priority ranking system for land acquisition/protection around major installations. Coordinate and facilitate the protection of property through acquisition, easements, or other appropriate land use measures.

Target: June 2006

Measure: Database and ranking system in place, with individual parcels identified for protection

Responsibility: Department of Commerce; DENR; Local governments

Cost: To be determined. A rough estimate is \$100,000, or \$50,000 per year for two years. Seek one-half of this from the Office of Economic Adjustment in the defense department.

Note: Properties in noise sensitive and accident potential zones are identified in recently completed Joint Land Use Studies for Ft Bragg/Pope AFB, Camp Lejeune, and MCB Cherry Point, and in a similar study for Seymour Johnson AFB. The next important step is to compile this information in a single database with assessed property values and other relevant characteristics for each parcel. This will enable the state to see the "big picture" and assign relative rankings for protection of all critical properties. Parcel value information can be overlain with other important data layers from the state's Geographic Information System (GIS). This additional information, such as wetlands coverage, will help bring other partners such as the Clean Water Management Trust Fund and various land trusts into the acquisition/protection process. The priority ranking system for acquisition/protection of individual parcels will help ensure that resources in the "Military Base Protection Trust Fund" are used as efficiently and effectively as possible.

**Strategy 1.1.6** Seek funding from the Defense Department to accomplish strategy 1.1.5 above.

Target: April 2004

Measure: Grant application submitted

Responsibility: Governor

Cost: Staff time to prepare and submit application.

**Strategy 1.1.7** Maintain status reports on implementation of local land use plan recommendations to protect military bases.

Target: January 2004

Measure: Quarterly reports

Responsibility: Local governments; ACMA

Cost: Minimal

Note: The first status reports were given to the Commission at its December 2003 meeting.

**Strategy 1.1.8** Provide state matching funds for local implementation of land use plans whose purpose is to protect military bases from mission-compromising urban encroachment.

Target: February 2004

Measure: Funds allocated

Responsibility: ACMA; Governor's office

Cost: \$20,000 per year (\$5,000 for each of the four plans that have been completed)

Note: The Office of Economic Adjustment in the defense department has earmarked funds for implementation of the Joint Land Use Study prepared by the Eastern Carolina Council for MCB Cherry Point. State funds would provide a portion of the required local match. Similar federal grants may be available to other jurisdictions to implement their land use plans, and state matching funds would also be needed for these purposes.

**Objective 1.2 - Improve critical infrastructure that supports military bases and existing or potential expanded missions, as well as the overall economic health and vitality of eastern North Carolina.**

Infrastructures issues ranked about mid-way down the SWOT priority list. Lack of adequate public air transportation in eastern North Carolina for business and personal travel was the shortcoming mentioned most often. However, it will be difficult to appreciably upgrade commercial airline service levels that are determined by market forces.

Military bases depend on the highway system and the ports to move personnel and materiel. In large measure, they seem satisfied with these facilities. The bases have good working relationships with local governments, and there are several cooperative agreements in place for sharing water and wastewater facilities and emergency services. State and local governments should continue to include military needs in planning future facility upgrades. In some cases, joint use agreements can result in savings for both parties. Recent news reports indicate that some states have appropriated significant funds to upgrade civilian infrastructure to benefit military bases. These investments could affect the long-term viability of some bases. Rather than undertaking infrastructure studies targeted solely to the military, it may be more prudent for North Carolina to ensure that it considers and includes military needs whenever evaluating community and regional infrastructure needs. The state should also require recipients of infrastructure planning grants to include the needs of nearby military bases in their assessments.

**Strategy 1.2.1** Identify and quantify unique transportation, water, sewer, telecommunications and other infrastructure needs of the military in eastern North Carolina, in the context of overall economic needs of the region.

Target: January 2005

Measure: Infrastructure needs identified in reports such as a capital improvements programs and budgets

Responsibility: DOT; DENR; Rural Center

Cost: Incremental cost of considering unique needs of military bases. The military might share some of these costs.

**Strategy 1.2.2** Identify funding options, strategies, sources, and timetables to upgrade infrastructure in the region.

Target: January 2006

Measure: Funding mechanisms in place. If bond funds are needed, submit to voters for approval

Responsibility: Legislature

Cost: To be determined

**Strategy 1.2.3** Encourage and facilitate joint use of infrastructure services and facilities between military bases, adjoining communities, and the state.

Target: Ongoing

Measure: Number of joint use agreements

Responsibility: Local governments; State agencies; Installation commanders

Cost: Cost savings may be realized from sharing facilities.

**Objective 1.3 - Facilitate the joint use of military bases and facilities between the services and with appropriate civilian agencies, especially those with homeland security missions.**

This objective recognizes the importance that the defense department is currently placing on the "jointness" of military services, including possible cost savings through the shared use of facilities. One way that the state could facilitate this is through shared use of non-military facilities such as the Global TransPark. Another example could include shared warehousing or other support facilities for vehicle or aircraft maintenance. North Carolina military base locations lend themselves to joint use of facilities in places such as Sampson, Duplin, or Jones counties. Recently enacted legislation provides a tax base sharing incentive to counties that jointly develop facilities such as business parks. This would be an option if either the military or a civilian contractor operated the facility.

**Strategy 1.3.1** Seek and facilitate opportunities for military services, including National Guard and Reserve, to increase the efficient shared-use of facilities and other resources, thereby promoting cost-savings and "jointness."

Target: Ongoing

Measure: Cooperative agreements and joint use of facilities

Responsibility: **NC Dept CC&PS**; ACMA; Military services and bases; Coast Guard; National Guard; Reserve

Cost: Cost savings may be realized from sharing facilities

**Strategy 1.3.2** Integrate planning for the joint use of facilities by military and civilian agencies and services such as law enforcement, education, skills training and employment, environmental assessment and mitigation, and any other issues of common interest.

Target: Ongoing

Measure: Cooperative agreements and joint use of facilities

Responsibility: **NC Dept CC&PS**; ACMA; Military services and bases; Coast Guard; National Guard; Reserve; Other state and federal agencies

Cost: Cost savings may be realized through plans for joint facilities

## **Quality of Life and Workforce Development**

**Goal 2: Make North Carolina's bases, surrounding communities, facilities, services and benefits the best in the country for active duty, National Guard, Reserve, DoD civilian, veteran, and retired service members and their families.**

North Carolina offers many quality of life amenities for military personnel and their families. These include a low cost of living, especially for housing, which makes pay and allowances go further, proximity to the ocean and mountains for recreation and family vacations, small-town atmosphere, nearby major medical facilities, excellent universities and community colleges, professional and college sports, and a large number of DoD operated schools and other services and amenities on the installations themselves. Recent action by the legislature grants in-state tuition to service members stationed here. Retired military personnel do not have to pay state income tax on retired military pay.

One weakness revealed in the SWOT analysis is that it is difficult for military family members, especially spouses, to find jobs commensurate with their ability and education level. This is a problem throughout the military, not just in North Carolina. The defense department is spearheading initiatives with private business to address this problem. North Carolina is well positioned to take advantage of these new programs.

Helping service members make the transition from military to civilian life is a quality of life benefit as well as an opportunity for North Carolina to retain former military personnel having marketable skills. Additional emphasis and resources should be placed on counseling transitioning personnel to increase the number who choose to remain in this state's workforce. The presence of this skilled workforce can be a powerful recruiting tool for economic development projects in eastern North Carolina.

**Objective 2.1 - Protect and enhance benefits for service members, veterans, retirees, civilian employees of the military, and their families.**

Service members and their families, veterans, and retirees have always worked diligently to acquire and retain benefits that they deserve. Dozens of veterans and military support organizations lobby on behalf of their members to improve benefits, and in many cases to keep from losing the benefits that they already have. Congressional and Administration actions regarding military benefits are most often driven by budget considerations. The defense department sometimes advocates reduced benefits to service members to contain its costs. The current defense secretary openly stated that he wants to get the defense department "out of the grocery business" (commissaries) and other "non-military" functions, turning these services instead over to the private sector. This has evoked strong responses from military support groups that see this trend as an erosion of military benefits.

An important policy issue for the state is determining if, how, and when it should weigh in on matters such as this. The state clearly can and should take unilateral action on service member benefits under its exclusive purview, such as granting in-state tuition for service members stationed in North Carolina. However, two of the following strategies call on the state to oppose proposed defense department actions to close dependent schools and some commissaries. How the state responds to these and other military benefits issues should be determined as a general policy matter.

**Strategy 2.1.1** Extend the benefits of in-state tuition afforded to service members by G.S. 116-143.3 to include non-resident National Guard and Reserve personnel assigned to NC units.

Target: 2004 short session  
Measure: Passage of legislation  
Responsibility: **Legislature**; ACMA; Governor  
Cost: To be determined

**Strategy 2.1.2** Track key bills in Congress that affect active duty, Guard and Reserve, survivors, retirees, DoD civilians, and veterans; urge Congressional delegation and Armed Services Committee members to support legislation that will help North Carolinians and service members who are stationed here.

Target: Ongoing  
Measure: Letters of support to delegation  
Responsibility: **Governor's office**; ACMA  
Cost: Staff time

**Strategy 2.1.3** Focus special attention on service members, civilian employees, and their families at the NADEP facility at MCB Cherry Point.

Target: Ongoing  
Measure: Letters of support to delegation  
Responsibility: **Governor's office**; ACMA  
Cost: To be determined

Note: The NADEP facility has undergone scrutiny in past BRAC commission processes. This strategy acknowledges that special diligence and emphasis should be given to this facility and the people who depend on its continued operation as an aircraft maintenance depot.

**Strategy: 2.1.4** Oppose DoD proposal to close some commissaries and raise prices for patrons.

Target: Immediate  
Measure: Proposal defeated  
Responsibility: **Congressional delegation**; Governor; ACMA  
Cost: None

**Strategy 2.1.5** Oppose DoD proposal to turn over its Domestic Dependent Elementary and Secondary Schools system to local school districts.

Target: Immediate

Measure: Proposal defeated

Responsibility: **Congressional delegation**; Governor; ACMA

Cost: None

**Strategy 2.1.6** Place special emphasis on improving public schools in communities surrounding installations.

Target: 2004-2005 school year

Measure: Increased resources and improved student performance, with public schools viewed by military families as being comparable to DDES schools.

Responsibility: **DPI**; local school districts

Cost: To be determined

Note: The quality of public schools attended by dependents of military personnel will reportedly be one of the quality of life issues considered during the next BRAC process.

**Objective 2.2 - Help military spouses and exiting/transitioning military personnel find better jobs and career development opportunities.**

Career opportunities for military spouses are an important quality of life issue that has a major effect on retention of service members. The military services are therefore giving this issue increased attention and emphasis.

The JobLink system is North Carolina's primary workforce development program. It is designed to provide coordinated access for job seekers to all the public employment services through a network of one-stop career centers throughout the state. Job services for military spouses could be greatly enhanced if JobLink centers were located on each military installation. A joint application for JobLink centers at each military base in North Carolina was prepared a few years ago, but the effort lost momentum after changes of command at some of the bases. Subsequently, Ft. Bragg submitted its own application to the U.S. department of labor for a JobLink center at that post. This application is on hold at the labor department. Two of the following strategies address the issues of JobLink centers for Ft. Bragg and the other installations.

Other programs to enhance military spouses' career paths have recently been announced. The state can help promote these through business organizations and the Department of Commerce.

**Strategy 2.2.1** NC's Congressional delegation should support the pending Job Link grant application to help Ft Bragg soldiers and families with career planning, training, and placement.

Target: April 2004  
Measure: Approval of grant  
Responsibility: **Congressional delegation**; ACMA; Governor  
Cost: None

**Strategy 2.2.2** Submit Job Link applications for SJAFB, Camp Lejeune, and MCAS Cherry Point individually or jointly.

Target: October 2004  
Measure: Submission of grant proposal(s) and approval of grant(s)  
Responsibility: **Base officials**; NC Workforce Commission; Eastern NC Workforce Development Board  
Cost: Staff time for preparing the application(s)

**Strategy 2.2.3** Expand new Army program to increase job opportunities for military spouses. Urge Air Force and Marine Corps to adopt this or similar program. Urge more NC companies to participate in the program.

Target: January 2005  
Measure: At least 25 additional NC companies sign agreement during 2004.  
Responsibility: Governor; **NCCBI**; Local Chambers of Commerce  
Cost: Minimal

Note: Twelve corporations and three federal agencies recently signed on to a new program to increase job opportunities for Army spouses. Large companies with facilities throughout the U.S., including Home Depot, CVS pharmacy, and Sprint, agreed to facilitate career changes regardless of where a military spouse is stationed in the future. The state and business groups can help promote this program by urging companies based in North Carolina, such as Lowes and Bank of America, to participate in this program.

**Strategy 2.2.4** Extend state government hiring priority to spouses of military members in a manner similar to that afforded to veterans.

Target: 2004 short session  
Measure: Passage of legislation  
Responsibility: Legislature  
Cost: None

**Objective 2.3 - Expand and improve Quality of Life amenities on installations, in neighboring communities, and special destination attractions throughout the state.**

Strategies for this objective include targeting special funding sources to improve amenities on military installations and in surrounding communities, offering reduced admission fees for state attractions, and studying the feasibility of creating a major armed forces recreation facility similar to those located in some other states.

**Strategy 2.3.1** Enact legislation to return part of the state gasoline tax collected at installations to the respective bases for quality of life improvements to benefit service members and their families (Other portions of the tax would capitalize a trust fund to protect sensitive lands around the bases.)

Target: 2004 short session

Measure: Enactment of legislation

Responsibility: Legislature

Cost: None - this would be a reallocation from the Highway Trust Fund

**Strategy 2.3.2** Target funds from state land conservation, recreation, and trail programs for acquisition/easements of property around bases for recreation purposes.

Target: Current and future fiscal years

Measure: Additional acres acquired/protected

Responsibility: NC Department of Environment and Natural Resources

Cost: None - this would target existing funds

Note: This could serve a dual purpose by helping to protect land in noise sensitive or accident potential zones from development, as well as provide recreation trails for military and community residents. The Ft. Bragg JLUS recommends such a trail around part of that installation to achieve these goals.

**Strategy 2.3.3** Urge the NC Symphony, Museum of Art, and other state or locally sponsored/funded attractions to offer free or reduced admission fees for military personnel.

Target: July 2004

Measure: Number of venues and events with reduced fees

Responsibility: **Cabinet officials**; program directors

Cost: To be determined

**Strategy 2.3.5** Study the feasibility of a major armed forces recreation facility in North Carolina, similar to those located in Florida, Hawaii, and Alaska.

Target: January 2005

Measure: Feasibility study completed

Responsibility: NC Department of Commerce - Travel and Tourism

Cost: To be determined

Note: The Air Force currently operates a recreation facility for military personnel at Ft. Fisher. Facilities include cottages and a lodge, camping, boat ramp, and a small restaurant. The North Carolina travel industry may oppose a larger military-operated recreation facility such as the Seward Resort in Alaska, Hale Koa Hotel at Waikiki Beach, or Shades of Green resort at Disney World. However, studies might reveal that a major military facility could have spin-off benefits for privately operated travel and tourism businesses in the area.

**Objective 2.4 - Support service members and their families during deployments.**

**Strategy 2.4.1** The Governor, Lt. Governor, and other high-ranking state officials should visit bases whenever possible to visit with troops when they depart for and return from overseas duty.

Target: Ongoing  
Measure: Number of visits  
Responsibility: **Governor**; Lt. Governor  
Cost: Minimal

**Strategy 2.4.2** Facilitate interaction and sharing of ideas between support groups that exist in communities around all of NC's bases.

Target: First joint meeting in April 2004  
Measure: Number of joint meetings  
Responsibility: ACMA; **Lt. Governor**; Chambers of Commerce; Local businesses  
Cost: Staff time

**Strategy 2.4.3** Erect signs thanking deployed troops for their service and sacrifice at entrances to bases, National Guard Armories and Reserve Centers.

Target: April 2004  
Measure: Number of signs  
Responsibility: Lt. Governor; Corporate sponsors  
Cost: To be determined

Note: Corporate sponsors may offer to underwrite the costs of this program. Sign placement might not be possible in every location due to local regulations.

## Economic Development

### Goal 3: Increase defense-related economic activity.

Defense-related expenditures provide significant benefits for North Carolina's economy. Fort Bragg is the largest military installation in the United States with 46,374 active duty military and civilian personnel.\* Camp Lejeune is the third largest in the nation with 37,802 personnel. The combined payroll for active duty, DoD civilian, Reserve/National Guard, and retired military in North Carolina is \$5.1 billion, or 4.5 percent of the total payroll for DoD in FY 2002.

Although the state ranks high in military payroll, it captured just 2.4 percent of total DoD expenditures in FY 2002. This is due to a relatively low volume of military contracts in the state. North Carolina has the 11<sup>th</sup> largest population, yet it ranked 27<sup>th</sup> in DoD prime contract awards in 2002. Cumberland County had the highest dollar amount of contracts with \$474 million, followed by Onslow (\$170 million) and Guilford (\$118 million). Eighty-five counties received some DoD prime contracts, with the smallest amount (\$6,486) going to Chowan County. The impacts of military contracts are felt statewide, and not just east of I-95. For example, DoD reported \$5.4 million in contracts for Cherokee County in FY 2002.

The Department of Commerce, the university system, and other state entities are exploring ways to do more business with the military. These efforts are needed to offset some of the setbacks that the state has experienced recently in sectors such as textiles, tobacco, and furniture manufacturing.

\* All figures are for FY 2002 as reported by the Directorate for Information Operations and Reports, Department of Defense.

**Strategy 3.1.1** Develop or acquire additional defense industry expertise in the Department of Commerce. Request appropriation from NC legislature, or reallocate existing resources for this purpose.

Target: Position(s) established or contract(s) signed by July 2004

Measure: Expertise acquired through staffing and/or contract(s)

Responsibility: **Department of Commerce**; Legislature

Cost: To be determined

**Strategy 3.1.2** Confer with Science & Technology Advisor/ Bd of Science & Technology to determine which defense RDT&E functions are good matches for North Carolina.

Target: March 2004

Measure: List and contact information for potential Research and Development/ Test and Evaluation functions

Responsibility: Department of Commerce

Cost: Staff time

**Strategy 3.1.3** Determine which defense-related businesses are most appropriate for targeted recruitment. Contact/recruit best prospects.

Target: October 2004

Measure: List of potential contacts, actual contacts and results

Responsibility: Department of Commerce

Cost: Staff time

**Strategy 3.1.4** Explore opportunities to partner with military to use land/buildings on bases for business purposes.

Target: October 2004

Measure: Agreements to use land and/or buildings

Responsibility: Local economic development organizations

Cost: Staff time

**Strategy 3.1.5** Promote the GTP as a major defense industry location.

Target: Ongoing

Measure: New or expanding defense contract tenants

Responsibility: **GTP Authority**; Department of Commerce; NC Eastern Region

Cost: Staff time

**Strategy 3.1.6** Determine feasibility of creating one or more multi-county business parks with amenities that will attract defense business and industry. Concurrently, attract defense industries to existing sites.

Target: December 2004

Measure: Agreements to fund and build one or more parks

Responsibility: **Local ED organizations**; Department of Commerce; ED Partnership regions; Local governments; Community Colleges

Cost: To be determined

**Objective 3.2 - Increase North Carolina's percentage of DoD payroll.**

North Carolina may have good opportunities to attract additional missions, units, and personnel to our existing bases as realignments take place due to restructuring our forces and pulling back some units from Europe. As reported in the SWOT analysis, North Carolina is an especially attractive location for the military because "...our geography provides excellent training assets, especially the unique combination of ocean, coastal, riverine, and inland training areas, and

premier airspace including the Dare County range and the Atlantic Ocean where supersonic training is possible.”

Some bases reported that they have the infrastructure capacity to assimilate additional missions and units. This could provide a unique opportunity to capitalize on realignments resulting from the BRAC process.

**Strategy 3.2.1** Seek additional military missions, units, and personnel for North Carolina bases.

Target: Increase North Carolina’s share of active duty payroll from 7.3 percent (2002) to 7.5 percent in 2008.

Measure: NC share of active duty payroll as reported by DoD, Directorate for Information Operations and Reports

Responsibility: **Governor**; Lt. Governor; ACMA

Cost: To be determined

**Strategy 3.2.2** Seek additional DoD civilian jobs.

Target: Increase NC’S share of DoD civilian pay from 2.2 percent (2002) to 2.8 percent in 2008.

Measure: NC share of DoD civilian payroll as reported by DoD, DIOR

Responsibility: **Department of Commerce**; ACMA; Governor; Lt. Governor; Congressional delegation

Cost: To be determined

**Strategy 3.2.3** Seek additional Reserve and National Guard units and personnel.

Target: Increase NC’s share of Reserve and National Guard payroll from 2.4 percent (2002) to 2.8 percent in 2008.

Measure: NC share of Reserve and National Guard payroll as reported by DoD, DIOR

Responsibility: **Congressional delegation**; Governor; Lt. Governor; ACMA

Cost: To be determined

**Strategy 3.2.4** Encourage additional military personnel to retire in North Carolina.

Target: Increase NC’s share of retired military pay from 3.8 percent (2002) to 4.3 percent in 2008.

Measure: NC share of retired military payroll as reported by DoD, DIOR

Responsibility: **Chambers of Commerce**; NC Realtors’ Association; NC Homebuilders’ Assoc.; ACMA; Department of Commerce

Cost: To be determined

Note: According to information compiled by the AdvantageWest regional economic development organization, actively recruiting retirees can be an effective economic development strategy for many communities. In studying the feasibility of establishing a “Certified Retirement Community” program, AdvantageWest reported that retirees increase the tax base but use public

facilities less than working families with children, and that one retiree household has the same economic impact on a community as 3.7 factory jobs.

### **Objective 3.3 - Increase existing businesses' share of DoD contracts.**

According to the Procurement Technical Assistance Center (PTAC), many small businesses and some larger ones are reluctant to do business with the military because they feel the contracting system is too complicated, and it takes too long to get paid for services rendered or goods delivered. The PTAC, which is part of UNC's Small Business and Technology Development Center, provides technical assistance to companies that want to do business with the defense department or other federal or state agencies. They are funded by the defense department's Logistics Management Agency, with the state providing matching funds. Besides providing one-on-one technical assistance, the PTAC sponsors seminars and trade shows, and offers an email information system with product-specific contracting opportunities for subscribers.

The Center of Excellence in Logistics and Technology (LOGTECH) program, housed in UNC's Kenan-Flagler business school, is another state program designed to promote more business interaction with the military. The mission of LOGTECH is to promote best practices for logistics and prepare DoD logisticians for new technologies and business practices. It does this through the LOGTECH executive education program that is designed for military, industry and technology leaders to improve their knowledge and business skills. The university operates this program in cooperation with the U.S. Army Materiel Command.

The university system is also exploring other opportunities to provide contract services to the military.

**Strategy 3.3.1** Expand the SBTDC Procurement Technical Assistance Center's ability to offer business counseling, workshops, and other assistance. Provide state matching funds to maximize available Defense Department grant for this program. Increase marketing of program through local chambers of commerce and small business organizations. Ensure that all Department of Commerce, regional and local economic developers are familiar with the program so they can help promote it.

Target: By 2005, Increase the number of counseling sessions and volume of small business contracts by 25 percent.

Measure: Number of counseling sessions and dollar volume of small business government contracts as reported to the Defense Logistics Agency.

Responsibility: **Legislature**; UNC system; SBTDC; Department of Commerce; Local and regional development organizations

Cost: \$300,000

**Strategy 3.3.2** Leverage expertise residing in UNC's LOGTECH program to strengthen NC companies' competitive advantage in logistics management and military transformation.

Target: Expand DoD logistics management leadership and services in NC.

Measure: Increased defense-related logistics management activities

Responsibility: **Department of Commerce**; UNC Kenan-Flagler

Cost: To be determined

## **Intergovernmental Affairs and Public Relations**

**Goal 4: Promote interaction, understanding, and mutual support between military bases, adjacent communities, state, local and federal government, and the general public.**

The Advisory Commission on Military Affairs has already proven its value as a convener of individuals and organizations with a common interest of supporting the military and military-related economic development in the state. The forum for generating ideas at Commission and committee meetings has been valuable for the exchange of information and opinions.

One of the lessons learned during the year and a half since the Commission held its first meeting is that, while many organizations support the military, not all of them agree on how the state should achieve its goal as being military-friendly. One of the best examples of this is disagreement among local governments as to what they should do to protect bases from mission-compromising development around their perimeters. While land use restrictions of any type frequently generate controversy and opposition from property owners and some local officials, the Commission's recommendations, based on local Joint Land Use Studies, were met with strong opposition from some communities.

To their credit, the League of Municipalities and Association of County Commissioners stepped up to the plate and created a special study group of local elected officials to discuss the Commission's recommendations. Three months later, the study group issued their recommendations, which were then formally endorsed by both local government organizations. These recommendations validated and supported most of what the Commission endorsed. It even went further by suggesting that the state enact legislation permitting local governments to use transfer of development rights, a sophisticated planning tool that may help ease landowner angst over base protection methods. By way of illustration, this shows that individuals and organizations with diverse viewpoints on a subject as controversial as land use can come together to reach mutually satisfactory compromise.

**Objective 4.1 - Demonstrate the State of North Carolina's strong support for the military.**

The state can demonstrate its support for the military in several different ways. Some of these, such as rebating part of the state gasoline tax to installations for quality of life improvements, are included in the Quality of Life and Workforce Development section of this plan. Strategies for this objective focus more on intergovernmental and public relations efforts.

**Strategy 4.1.1** Support measures to improve the quality of life and benefits for active duty, National Guard, Reserve, DoD civilians, veterans, and retirees.

Target: Ongoing  
Measure: Number of improvements that have the active support of NC's leadership  
Responsibility: **ACMA**; Governor; Lt Governor; Legislature  
Cost: Variable, depending on the nature of the supported measure.

**Strategy 4.1.2** Sponsor receptions and briefings for military leaders.

Target: Ongoing  
Measure: Number of receptions/briefings and number of attendees  
Responsibility: **Governor**; Lt. Governor  
Cost: To be determined

Note: Costs for receptions and similar functions may be contributed by corporate sponsors.

**Strategy 4.1.3** Recognize the military with proclamations and other appropriate forms of public acclaim.

Target: Ongoing  
Measure: Number of special recognition events  
Responsibility: Governor  
Cost: None

**Strategy 4.1.4** Ask professional advertising companies to lend their expertise for a statewide ad campaign to recognize the military and their unique contributions to North Carolina.

Target: April 2004  
Measure: statewide ad campaign  
Responsibility: **ACMA**; Governor; Lt. Governor  
Cost: None

**Objective 4.2 - Heighten broad-based awareness of and support for the military.**

Many people do not fully understand or appreciate the contributions that the military makes to North Carolina, other than their obvious national defense mission. This is one reason that the General Assembly, in legislation that also created the ACMA, required that a study be done to show the economic impacts that the military does have in the state. After this impact report is completed, its findings should be part of a comprehensive public information program to educate the state's citizens and institutions about the military's contributions.

**Strategy 4.2.1** Publish a brochure that explains the nature and importance of the military presence in North Carolina.

Target: April 2004

Measure: Brochure printed and available for distribution

Responsibility: Department of Commerce; ACMA; Governor's office; Lt. Governor's office

Cost: \$5,000

**Strategy 4.2.2** Ask ACMA members and others as appropriate to give public presentations about the ACMA and the military in NC.

Target: March 2004

Measure: Number of presentations

Responsibility: ACMA

Cost: None

**Strategy 4.2.3** Prepare a standard presentation for ACMA members and others to use in public presentations.

Target: February 2004

Measure: Presentation and speaker's notes

Responsibility: ACMA staff; Governor's office; Lt. Governor's office; Department of Commerce

Cost: \$2,000

Note: This presentation should be developed in different formats, including a PowerPoint presentation, to facilitate its delivery to various audiences in different venues.

**Strategy 4.2.4** Urge business organizations such as the NCCBI and the NC Bankers' Association to educate their membership about the importance of the military to NC's economy and business operations.

Target: April 2004

Measure: Business organizations' outreach to members

Responsibility: ACMA

Cost: None

**Strategy 4.2.5** Communicate regularly with Congressional delegation and staff concerning military issues in NC.

Target: Ongoing

Measure: Number of briefings and follow-up actions

Responsibility: ACMA

Cost: None

**Strategy 4.2.6** Develop a web site that explains the importance of the military to North Carolina, and the roles and responsibilities of the ACMA and others in promoting the military.

Target: April 2004  
Measure: Web site developed and kept up-to-date  
Responsibility: Governor's office  
Cost: \$5,000

**Objective 4.3 - Forge strong partnerships between state, local, and federal agencies to support the military.**

**Strategy 4.3.1** Amend ACMA enabling legislation to add Lt Governor, secretaries of DOT and DENR, local government representatives, and representation from across the state, to the commission.

Target: 2004 short session  
Measure: Revised statute  
Responsibility: **Legislature**; Governor; Lt. Governor  
Cost: None

**Strategy 4.3.2** Expand the distribution list for ACMA information to appropriate agencies, organizations, and individuals that are not ACMA members.

Target: January 2004  
Measure: New distribution list  
Responsibility: Department of Crime Control and Public Safety  
Cost: Staff time

**Strategy 4.3.3** Urge the Governor and Lt Governor to participate in major events at military bases such as change of command ceremonies and departure/return of deployed troops.

Target: Immediate  
Measure: Number of events attended by Governor or Lt. Governor  
Responsibility: ACMA  
Cost: Minimal

**Strategy 4.3.4** Brief the newly established legislative Joint Select Committee on Military Affairs on issues that require their attention and action.

Target: On invitation from Select Committee  
Measure: Number of recommended actions endorsed by Select Committee  
Responsibility: ACMA  
Cost: None

**Strategy 4.3.5** Principal staff from agencies with military affairs responsibilities should meet at least quarterly with ACMA chair to share information and coordinate activities.

Target: January 2004

Measure: Coordinated activities and clearly defined roles and responsibilities

Responsibility: ACMA chair; Governor; Lt. Governor

Cost: None

**Strategy 4.3.6** Invite state agencies that deal with the military to ACMA meetings. Ask DENR and other agencies that interact with the military to brief the ACMA and keep it informed of important ongoing and emerging issues that could affect bases or missions.

Target: April 2004

Measure: Number of relevant issues brought to the attention of the ACMA

Responsibility: ACMA chair

Cost: None

**Objective 4.4 - Enhance networking and joint planning between communities around military bases.**

Networking between communities around all military bases will help facilitate the exchange of information, and will help preclude each one having to "reinvent the wheel." There may also be opportunities to share costs for specialized staff expertise such as legal advice for complex matters such as transfer of development rights.

**Strategy 4.4.1** Urge the League of Municipalities and Association of County Commissioners to establish a permanent joint "Military Affairs Committee" of local elected officials from communities around military bases.

Target: April 2004

Measure: Establishment of committee

Responsibility: ACMA; Governor; League of Municipalities; Association of County Commissioners

Cost: None

**Strategy 4.4.2** Brief community leaders on military issues at League of Municipalities and Association of County Commissioners meetings and conferences.

Target: As meetings sponsored by these organizations occur

Measure: Number of briefings conducted each year

Responsibility: ACMA

Cost: Minimal

**Strategy 4.4.3** Designate a state agency/department to take responsibility for coordinating military-civilian compatible land use planning.

Target: March 2004  
Measure: Designation  
Responsibility: Governor  
Cost: Staff time

**Strategy 4.4.4** Encourage and facilitate meetings of local government representatives and planners from communities around military bases to coordinate land use, infrastructure and other development issues.

Target: June 2004  
Measure: Number of meetings and results  
Responsibility: Agency designated by Governor  
Cost: Staff time

**Objective 4.5 - Promote and facilitate communication, cooperation, and “jointness” between military services and bases.**

Military officials have said that having an opportunity to meet with other services and base personnel at ACMA meetings is useful. This exchange of information and sharing of ideas could result in cooperative ventures between services and bases that promote defense department priorities for joint operations, thereby strengthening the importance of North Carolina’s base structure and diversity of units and missions,

**Strategy 4.5.1** Facilitate the sharing of information between bases at ACMA meetings and other gatherings.

Target: Ongoing  
Measure: Implementation of joint projects or activities -- feedback from base representatives that this is helpful and productive.  
Responsibility: ACMA chair  
Cost: None

**Strategy 4.5.2** Share information between bases about innovative and/or successful tools and techniques to promote good land use practices around bases.

Target: Ongoing  
Measure: Acres of actual or potential mission-compromising land uses that are zoned or otherwise officially designated or become “compatible uses.”  
Responsibility: **Department of Commerce - Community Assistance**; ACMA; Councils of Government; Local Governments; League of Municipalities; County Commissioners Association  
Cost: Staff time

**Strategy 4.5.3** Promote additional uses of facilities between bases, and between bases and civilian agencies, especially those with homeland defense missions or responsibilities.

Target: Ongoing  
Measure: Additional projects or use of facilities by bases and military services  
Responsibility: ACMA  
Cost: Minimal

**Objective 4.6 - Protect and enhance North Carolina's military bases during the BRAC process.**

Defense Department directives prohibit military officials from participating in any discussions or actions designed to "BRAC proof" bases. All parties should be aware that strategies and actions to influence BRAC decisions should be undertaken without participation of military officials.

**Strategy 4.6.1** Coordinate and guide state actions during BRAC '05. Track official and unofficial information throughout the BRAC timeline, disseminate to appropriate groups, agencies and individuals, assign responsibility for action, and follow up to ensure completion of required tasks.

Target: Ongoing  
Measure: Expansion of NC bases, missions, personnel, and economic impact as a result of BRAC  
Responsibility: Lt. Governor  
Cost: To be determined

**Strategy 4.6.2** Effectively represent North Carolina's interests in Congress and the administration in Washington throughout the BRAC process.

Target: Ongoing  
Measure: Expansion of NC bases, missions, personnel, and economic impact as a result of BRAC  
Responsibility: **Lt. Governor**; Governor; NC Delegation  
Cost: To be determined

**Strategy 4.6.3** Lobby to have someone from NC appointed to the BRAC commission.

Target: Immediate  
Measure: North Carolinian appointed to BRAC Commission  
Responsibility: Governor  
Cost: To be determined

**Strategy 4.6.4** Provide current information about North Carolina laws, policies, and administrative actions that support the military to BRAC commission members and staff, Congressional delegation, and others as appropriate.

Target: Ongoing

Measure: Expansion of NC bases, missions, personnel, and economic impact as a result of BRAC

Responsibility: Lt. Governor

Cost: Minimal

**Strategy 4.6.5** Urge communities to lobby on behalf of their local bases. Coordinate and support these local efforts to the extent feasible.

Target: Ongoing

Measure: Expansion of NC bases, missions, personnel, and economic impact as a result of BRAC

Responsibility: **Lt. Governor**; ACMA

Cost: To be determined

**Strategy 4.6.6** Take all appropriate actions as enumerated in other parts of this strategic plan to address encroachment, quality of life, spouse employment, public education, medical care, and any other issue that is or may become an important issue in the future of North Carolina's bases.

Target: Ongoing

Measure: Adoption and implementation of related actions

Responsibility: Various, as designated in other parts of this strategic plan

Cost: To be determined

**Strategic Plan -- Goal 1: Military Base Sustainability**  
**North Carolina Advisory Commission on Military Affairs**

| <b>Goal 1: Ensure that North Carolina's military bases, units and missions -- including active components, National Guard and Reserve -- continue to play a major role in America's defense strategy and the economic health and vitality of our communities.</b> |   |               |   |   |
|---|---|---------------|---|---|
| <b>Objective 1.1 - Protect bases from incompatible development that could compromise military missions or preclude expansion of activities and associated economic growth and vitality of communities around the bases.</b>                                       |   |               |   |   |
| <b>#</b>  | <b>Strategy</b>   | <b>Target</b> | <b>Measure</b>  | <b>Responsibility</b>   |
| 1.1.1   | Advocate and lobby for implementation of compatible land use recommendations submitted in 3/25/2003 letter from the Commission to the Governor.   | Ongoing       | Implementation of recommendations through legislation and executive actions | ACMA<br>Governor<br>Legislature   |
| 1.1.2   | Consider modifications to 3/25/2003 recommendations to the Governor based on feedback from local government officials as endorsed by the North Carolina Local Government Military Base Advisory Committee.                      | March 2004    | Revised Commission recommendations on encroachment                          | ACMA<br>League of Municipalities<br>Association of County Commissioners |
| 1.1.3   | Present Commission's updated/revised land use encroachment recommendations to the Governor and legislative Joint Select Committee on Military Affairs   | March 2004    | Briefings completed   | ACMA<br>Governor's office<br>Legislative committee                      |
| 1.1.4   | Establish a "Military Base Protection Trust Fund" to help acquire property or easements of critical land around installations. The fund could be capitalized through state gasoline taxes generated by sales on military bases. | June 2004     | Fund established  | Legislature   |

| #     | Strategy  | Target        | Measure  | Responsibility                                      |
|-------|---|---------------|--|---|
| 1.1.5 | Develop a 'critical properties' database and priority ranking system for land around major installation. Coordinate and facilitate the protection of property through acquisition, easements, or other appropriate land use measures. | June 2006     | Database and ranking system in place, with individual parcels identified for protection. | Local governments<br>DENR<br>Department of Commerce |
| 1.1.6 | Seek funding from the Defense Department to accomplish strategy 1.5.1 above.  | April 2004    | Grant application submitted  | Governor  |
| 1.1.7 | Maintain status reports on implementation of local land use plan recommendations to protect military bases.   | January 2004  | Quarterly reports  | ACMA<br>Local Governments                           |
| 1.1.8 | Provide state matching funds for local implementation of land use plans whose purpose is to protect military bases from mission-compromising urban encroachment.  | February 2004 | Matching funds allocated   | ACMA<br>Governor's office                           |

**Strategic Plan -- Goal 1: Military Base Sustainability**  
**North Carolina Advisory Commission on Military Affairs**

| <b>Goal 1: Ensure that North Carolina's military bases, units and missions -- including active components, National Guard and Reserve -- continue to play a major role in America's defense strategy and the economic health and vitality of our communities.</b> |   |               |   |  |
|---|---|---------------|---|--|
| <b>Objective 1.2 - Improve critical infrastructure that supports military bases and existing or potential expanded missions, as well as the overall economic health and vitality of eastern North Carolina.</b>   |   |               |   |  |
| <b>#</b>  | <b>Strategy</b>   | <b>Target</b> | <b>Measure</b>  | <b>Responsibility</b>  |
| 1.2.1   | Identify and quantify unique transportation, water, sewer, telecommunications and other infrastructure needs of the military in eastern North Carolina in the context of overall economic needs of the region | January 2005  | Infrastructure needs identified in a report such as a capital improvements program and budget | DOT<br>DENR<br>Rural Center                                    |
| 1.2.2   | Identify funding options, strategies, sources, and timetables to upgrade infrastructure in the region.  | January 2006  | Funding mechanisms in place. If bond funds are needed, submit to voters for approval.         | Legislature  |
| 1.2.3   | Encourage and facilitate joint use of infrastructure services and facilities between military bases, adjoining communities, and the state.  | Ongoing       | Number of joint use agreements  | Local governments<br>State agencies<br>Installation commanders |

**Strategic Plan -- Goal 1: Military Base Sustainability**  
**North Carolina Advisory Commission on Military Affairs**

| <b>Goal 1: Ensure that North Carolina's military bases, units and missions -- including active components, National Guard and Reserve -- continue to play a major role in America's defense strategy and the economic health and vitality of our communities.</b> |   |         |  |   |
|---|---|---------|--|---|
| <b>Objective 1.3 - Facilitate the joint use of military bases and facilities between the services and with appropriate civilian agencies, especially those with homeland security missions.</b>   |   |         |  |   |
| #   | Strategy  | Target  | Measure  | Responsibility  |
| 1.3.1   | Seek and facilitate opportunities for military services, including National Guard and Reserve, to increase the efficient shared-use of facilities and other resources, thereby promoting cost-savings and "jointness."                                  | Ongoing | Cooperative agreements and joint use of facilities | ACMA<br><b>NC Dept CC&amp;PS</b><br>Military services and bases<br>Coast Guard<br>National Guard<br>Reserve                                     |
| 1.3.2   | Integrate planning for the joint use of facilities by military and civilian agencies and services such as law enforcement, education, skills training and employment, environmental assessment and mitigation, and any other issues of common interest. | Ongoing | Cooperative agreements and joint use of facilities | ACMA<br><b>NC Dept CC&amp;PS</b><br>Military services and bases<br>Coast Guard<br>National Guard<br>Reserve<br>Other state and federal agencies |

**Strategic Plan -- Goal 2: Quality of Life and Workforce Development  
North Carolina Advisory Commission on Military Affairs**

| <b>Goal 2: Make North Carolina's bases, surrounding communities, facilities, services and benefits the best in the country for active duty, National Guard, Reserve, DoD civilian, veteran, and retired service members and their families.</b> |  |                    |                                  |   |
|---|--|--------------------|----------------------------------|---|
| <b>Objective 2.1 - Protect and enhance benefits for service members, veterans, retirees, civilian employees of the military, and their families.</b>  |  |                    |                                  |   |
| <b>#</b>  | <b>Strategy</b>  | <b>Target</b>      | <b>Measure</b>                   | <b>Responsibility</b>                               |
| 2.1.1   | Extend the benefits of in-state tuition afforded to service members by G.S. 116-143.3 to include non-resident National Guard and Reserve personnel assigned to NC units.   | 2004 short session | Passage of legislation           | <b>Legislature</b><br>ACMA<br>Governor              |
| 2.1.2   | Track key bills in Congress that affect active duty, Guard and Reserve, survivors, retirees, DoD civilians, and veterans; urge Congressional delegation and Armed Services Committee members to support legislation that will help North Carolinians and service members who are stationed here. | Ongoing            | Letters of support to delegation | <b>Governor's office</b><br>ACMA                    |
| 2.1.3   | Focus special attention on service members, civilian employees, and their families at the NADEP facility at MCB Cherry Point   | Ongoing            | Letters of support to delegation | <b>Governor's office</b><br>ACMA                    |
| 2.1.4   | Oppose DoD proposal to close some commissaries and raise prices for patrons.   | Immediate          | Proposal defeated                | <b>Congressional delegation</b><br>Governor<br>ACMA |

| #     | Strategy   | Target                | Measure   | Responsibility                               |
|-------|--|-----------------------|---|--|
| 2.1.5 | Oppose DoD proposal to turn over its Domestic Dependent Elementary and Secondary Schools system to local school districts. (17 of the 58 DDES schools are in NC) | Immediate             | Proposal defeated   | Congressional delegation<br>Governor<br>ACMA |
| 2.1.6 | Place special emphasis on improving public schools in communities surrounding installations.   | 2004-2005 school year | Increased resources<br>Improved student performance<br>Viewed by military families as being comparable to DDES schools. | DPI<br>Local school districts                |

**Strategic Plan -- Goal 2: Quality of Life and Workforce Development**  
**North Carolina Advisory Commission on Military Affairs**

| <b>Goal 2: Make North Carolina's bases, surrounding communities, services and facilities the best in the country for active duty, National Guard, Reserve, veterans, and retired service members and their families.</b> |   |                    |   |  |
|--|---|--------------------|---|--|
| <b>Objective 2.2 - Help military spouses and exiting/transitioning military personnel find better jobs and career development opportunities.</b>   |   |                    |   |  |
| <b>#</b>   | <b>Strategy</b>   | <b>Target</b>      | <b>Measure</b>  | <b>Responsibility</b>  |
| 2.2.1  | NC Congressional delegation support the pending Job Link grant application that will help Ft Bragg soldiers and families with career planning, training, and placement.                             | April 2004         | Approval of grant   | <b>Congressional delegation</b><br>ACMA<br>Governor  |
| 2.2.2  | Submit Job Link applications for SJAFB, Camp Lejeune, and MCAS Cherry Point individually or jointly.  | October 2004       | Submission of grant proposal<br>Approval of grant               | <b>Base officials</b><br>NC Workforce Commission<br>Eastern NC Workforce Development Board |
| 2.2.3  | Expand new Army program to increase job opportunities for military spouses. Urge Air Force and Marine Corps to adopt this or similar program. Urge more NC companies to participate in the program. | January 2005       | At least 25 additional NC companies sign agreement during 2004. | Governor<br><b>NCCBI</b><br>Local Chambers of Commerce                                     |
| 2.2.4  | Extend state government priority for hiring to spouses of military members in a manner similar to that afforded to veterans.  | 2004 short session | Passage of legislation  | Legislature  |

**Strategic Plan -- Goal 2: Quality of Life and Workforce Development**  
**North Carolina Advisory Commission on Military Affairs**

| <b>Goal 2: Make North Carolina's bases, surrounding communities, services and facilities the best in the country for active duty, National Guard, Reserve, veterans, and retired service members and their families.</b> |   |                                 |   |   |
|--|---|---------------------------------|---|---|
| <b>Objective 2.3 - Expand and improve Quality of Life amenities on installations, in neighboring communities, and special destination attractions throughout the state.</b>  |   |                                 |   |   |
| <b>#</b>   | <b>Strategy</b>   | <b>Target</b>                   | <b>Measure</b>                                | <b>Responsibility</b>                         |
| 2.3.1  | Enact legislation to return part of the state gasoline tax collected at installations to the respective bases for quality of life improvements to benefit service members and their families (Other portions of the tax would capitalize a trust fund to protect sensitive lands around the bases.) | 2004 short session              | Enactment of legislation                      | Legislature                                   |
| 2.3.2  | Target additional funds from state land conservation, recreation, and trail programs for acquisition/easements of property around bases for recreation purposes.  | Current and future fiscal years | Additional acres acquired/protected           | DENR  |
| 2.3.3  | Urge the NC Symphony, Museum of Art, and other state or local sponsored/funded attractions to offer free or reduced admission fees for military personnel.  | July 2004                       | Number of venues and events with reduced fees | <b>Cabinet officials</b><br>Program directors |
| 2.3.5  | Study the feasibility of a major armed forces recreation facility in North Carolina, similar to those located in Florida, Hawaii, and Alaska.   | January 2005                    | Feasibility study completed                   | Commerce - Travel and Tourism                 |

**Strategic Plan -- Goal 2: Quality of Life and Workforce Development**  
**North Carolina Advisory Commission on Military Affairs**

| <b>Goal 2: Make North Carolina's bases, surrounding communities, services and facilities the best in the country for active duty, National Guard, Reserve, veterans, and retired service members and their families.</b> |  |                                    |                          |   |
|--|--|------------------------------------|--------------------------|---|
| <b>Objective 2.4 - Support service members and their families during deployments.</b>  |  |                                    |                          |   |
| <b>#</b>   | <b>Strategy</b>  | <b>Target</b>                      | <b>Measure</b>           | <b>Responsibility</b>   |
| 2.4.1  | The Governor, Lt. Governor, and other high-ranking state officials should visit bases whenever possible to visit with troops when they depart for and return from overseas duty. | Ongoing                            | Number of visits         | <b>Governor</b><br>Lt. Governor   |
| 2.4.2  | Facilitate interaction and sharing of ideas between support groups that exist in communities around all of NC's bases.   | First joint meeting in April 2004. | Number of joint meetings | <b>ACMA</b><br>Lt. Governor<br>Chambers of Commerce<br>Local businesses |
| 2.4.3  | Erect signs thanking deployed troops for their service and sacrifice at entrances to bases, National Guard Armories, and Reserve Centers.  | April 2004                         | Number of signs          | <b>Lt. Governor</b><br>Corporate sponsors                               |

**Strategic Plan -- Goal 3: Economic Development  
North Carolina Advisory Commission on Military Affairs**

| <b>Goal 3: Increase defense-related economic activity.</b>           |   |  |  |   |
|--|---|--|--|---|
| <b>Objective 3.1 - Recruit defense-related business and industry</b> |   |  |  |   |
| <b>#</b>   | <b>Strategy</b>   | <b>Target</b>  | <b>Measure</b>   | <b>Responsibility</b>   |
| 3.1.1  | Develop or acquire additional defense industry expertise in the Department of Commerce. Request appropriation from NC legislature, or reallocate existing resources for this purpose. | Position(s) established or contract(s) signed by July 2004 | Expertise acquired through staffing and/or contract(s)     | Department of Commerce<br>Legislature   |
| 3.1.2  | Confer with Science & Technology Advisor/ Bd of Science & Technology to determine which defense RDT&E functions are good matches for NC.  | March 2004   | List and contact information for potential RDT&E functions | Department of Commerce  |
| 3.1.3  | Determine which defense-related businesses are most appropriate for targeted recruitment. Contact/recruit best prospects.   | October 2004   | List of potential contacts, actual contacts and results    | Department of Commerce  |
| 3.1.4  | Explore opportunities to partner with military to use land/buildings on bases for business purposes.  | October 2004   | Agreements to use land/buildings                           | Local economic development organizations  |
| 3.1.5  | Promote the GTP as a major defense industry location.   | Ongoing  | New or expanding defense contract tenants                  | Department of Commerce<br><b>GTP Authority</b><br>NC Eastern Region                             |
| 3.1.6  | Determine feasibility of creating one or more multi-county business parks with amenities that will attract defense business and industry.   | December 2004  | Agreements to fund and build one or more parks.            | Department of Commerce<br>ED Partnership regions<br>Local governments<br>Local ED organizations |

**Strategic Plan -- Goal 3: Economic Development**  
**North Carolina Advisory Commission on Military Affairs**

| <b>Goal 3: Increase defense-related economic activity.</b>                  |   |   |   |  |
|---|---|---|---|--|
| <b>Objective 3.2 - Increase North Carolina's percentage of DoD payroll.</b> |   |   |   |  |
| <b>#</b>  | <b>Strategy</b>   | <b>Target</b>   | <b>Measure</b>  | <b>Responsibility</b>  |
| 3.2.1   | Seek additional military missions, units, and personnel for North Carolina bases. | Increase NC's share of active duty payroll from 7.3 percent (2002) to 7.5 percent in 2008.                | NC share of active duty payroll as reported by DoD, DIOR                | <b>Governor</b><br>ACMA<br>Lt Governor<br>Congressional delegation                           |
| 3.2.2   | Seek additional DoD civilian jobs.  | Increase NC'S share of DoD civilian pay from 2.2 percent (2002) to 2.8 percent in 2008.                   | NC share of DoD civilian payroll as reported by DoD, DIOR               | <b>Department of Commerce</b><br>ACMA<br>Governor<br>Lt Governor<br>Congressional delegation |
| 3.2.3   | Seek additional Reserve and National Guard units and personnel.                   | Increase NC's share of Reserve and National Guard payroll from 2.4 percent (2002) to 2.8 percent in 2008. | NC share of Reserve and National Guard payroll as reported by DoD, DIOR | <b>Congressional delegation</b><br>ACMA<br>Governor<br>Lt Governor                           |

| #     | Strategy   | Target  | Measure   | Responsibility   |
|-------|--|---|---|--|
| 3.2.4 | Encourage additional military personnel to retire in North Carolina. | Increase NC's share of retired military pay from 3.8 percent (2002) to 4.3 percent in 2008. | NC share of retired military payroll as reported by DoD, DIOR | ACMA<br>Department of Commerce<br>NC Realtors' Association<br>NC Homebuilders' Assoc.<br><b>Chambers of Commerce</b> |

**Strategic Plan -- Goal 3: Economic Development  
North Carolina Advisory Commission on Military Affairs**

| <b>Goal 3: Increase defense-related economic activity.</b>                   |   |   |   |  |
|--|---|---|---|--|
| <b>Objective 3.3 - Increase existing businesses' share of DoD contracts.</b> |   |   |   |  |
| <b>#</b>   | <b>Strategy</b>   | <b>Target</b>   | <b>Measure</b>  | <b>Responsibility</b>  |
| 3.3.1  | <p>Expand the SBTDC Procurement Technical Assistance Center's ability to offer business counseling, workshops, and other assistance.</p> <ul style="list-style-type: none"> <li>• Provide state matching funds to maximize available Defense Department grant for this program.</li> <li>• Increase marketing of program through local chambers of commerce and small business organizations.</li> <li>• Ensure that all Department of Commerce, regional and local economic developers are familiar with the program so they can help promote it.</li> </ul> | By 2005, Increase the number of counseling sessions and volume of small business contracts by 25 percent. | Number of counseling sessions and dollar volume of small business government contracts as reported to the Defense Logistics Agency. | <p><b>Legislature</b><br/>UNC system<br/>SBTDC<br/>Department of Commerce<br/>Local and regional development organizations</p> |

**Objective 3.3 - Increase existing businesses' share of DoD contracts. (continued)**

| #     | Strategy   | Target  | Measure  | Responsibility   |
|-------|--|---|--|--|
| 3.3.2 | <p>Leverage expertise residing in UNC's LOGTECH program to strengthen NC companies' competitive advantage in logistics management and military transformation.</p> <ul style="list-style-type: none"><li>• Discuss goals and options with LOGTECH faculty and staff.</li><li>• Urge NC businesses to participate in LOGTECH seminars</li></ul> | <p>Expand DoD logistics management leadership and services in NC.</p> | <p>Increased defense-related logistics management activities</p> | <p><b>Department of Commerce</b><br/>UNC Kenan-Flagler</p> |

**Strategic Plan -- Goal 4: Intergovernmental Affairs and Public Relations**  
**North Carolina Advisory Commission on Military Affairs**

| <b>Goal 4: Promote interaction, understanding, and mutual support between military bases, adjacent communities, state, local and federal government, and the general public.</b> |  |               |  |   |
|--|--|---------------|--|---|
| <b>Objective 4.1 - Demonstrate the State of North Carolina's strong support for the military.</b>  |  |               |  |   |
| <b>#</b>   | <b>Strategy</b>  | <b>Target</b> | <b>Measure</b>   | <b>Responsibility</b>                                 |
| 4.1.1  | Support measures to improve the quality of life and benefits for active duty, National Guard, reserve, DoD civilians, veterans, and retirees.                          | Ongoing       | Number of improvements that have the active support of NC's leadership | <b>ACMA</b><br>Governor<br>Lt Governor<br>Legislature |
| 4.1.2  | Sponsor receptions and briefings for military leaders.   | Ongoing       | Number of receptions/briefings<br>Number of attendees                  | <b>Governor</b><br>Lt Governor                        |
| 4.1.3  | Recognize the military with proclamations and other appropriate forms of public acclaim.   | Ongoing       | Number of special recognition events                                   | Governor  |
| 4.1.4  | Ask professional advertising companies to lend their expertise for a statewide ad campaign to recognize the military and their unique contributions to North Carolina. | April 2004    | Statewide ad campaign  | <b>ACMA</b><br>Governor<br>Lt Governor                |

**Strategic Plan -- Goal 4: Intergovernmental Affairs and Public Relations**  
**North Carolina Advisory Commission on Military Affairs**

| <b>Goal 4: Promote interaction, understanding, and mutual support between military bases, adjacent communities, state, local and federal government, and the general public.</b> |   |               |   |  |
|--|---|---------------|---|--|
| <b>Objective 4.2 - Heighten broad-based awareness of and support for the military.</b>   |   |               |   |  |
| <b>#</b>   | <b>Strategy</b>   | <b>Target</b> | <b>Measure</b>                                  | <b>Responsibility</b>  |
| 4.2.1  | Publish a brochure that explains the nature and importance of the military presence in North Carolina.  | April 2004    | Brochure printed and available for distribution | <b>Department of Commerce</b><br>ACMA<br>Governor's office<br>Lt Governor's office       |
| 4.2.2  | Ask ACMA members and others as appropriate to give public presentations about the ACMA and the military in NC.  | March 2004    | Number of presentations                         | ACMA   |
| 4.2.3  | Prepare a standard presentation for ACMA members and others to use in public presentations.   | February 2004 | Presentation and speaker's notes                | <b>ACMA staff</b><br>Governor's office<br>Lt Governor's office<br>Department of Commerce |
| 4.2.4  | Urge business organizations such as the NCCBI and the NC Bankers' Association to educate their membership about the importance of the military to NC's economy and business operations. | April 2004    | Business organizations' outreach to members     | ACMA   |
| 4.2.5  | Communicate regularly with Congressional delegation and staff concerning military issues in NC.   | Ongoing       | Number of briefings and follow-up actions       | ACMA   |

| #     | Strategy  | Target     | Measure                                | Responsibility    |
|-------|---|------------|--|-------------------|
| 4.2.6 | Develop a web site that explains the importance of the military to North Carolina, and the roles and responsibilities of the ACMA and others in promoting the military. | April 2004 | Web site developed and kept up-to-date | Governor's office |

**Strategic Plan -- Goal 4: Intergovernmental Affairs and Public Relations**  
**North Carolina Advisory Commission on Military Affairs**

| <b>Goal 4: Promote interaction, understanding, and mutual support between military bases, adjacent communities, state, local and federal government, and the general public.</b> |   |                                     |   |   |
|--|---|-------------------------------------|---|---|
| <b>Objective 4.3 - Forge strong partnerships between state, local, and federal agencies to support the military.</b>   |   |                                     |   |   |
| <b>#</b>   | <b>Strategy</b>   | <b>Target</b>                       | <b>Measure</b>  | <b>Responsibility</b>                         |
| 4.3.1  | Amend ACMA enabling legislation to add Lt Governor, secretaries of DOT and DENR, local government representatives, and representation from across the state, to the commission. | 2004 short session                  | Revised statute   | <b>Legislature</b><br>Governor<br>Lt Governor |
| 4.3.2  | Expand distribution list for ACMA information to appropriate agencies, organizations, and individuals that are not ACMA members.  | January 2004                        | New distribution list   | Dept of CC&PS                                 |
| 4.3.3  | Urge the Governor and Lt Governor to participate in major events at military bases such as change of command ceremonies and departure/return of deployed troops.                | Immediate                           | Number of events attended by Governor or Lt Governor                  | ACMA  |
| 4.3.4  | Brief the newly established legislative Joint Select Committee on Military Affairs on issues that require their attention and action.   | On invitation from select committee | Number of recommended actions endorsed by committee                   | ACMA  |
| 4.3.5  | Principal staff from agencies with military affairs responsibilities should meet at least quarterly with ACMA chair to share information and coordinate activities.             | January 2004                        | Coordinated activities and clearly defined roles and responsibilities | <b>ACMA chair</b><br>Governor<br>Lt Governor  |

| #     | Strategy   | Target     | Measure  | Responsibility |
|-------|--|------------|--|----------------|
| 4.3.6 | Invite state agencies that deal with the military to ACMA meetings. Ask DENR and other agencies that interact with the military to brief the ACMA and keep it informed of important ongoing and emerging issues that could affect bases or missions. | April 2004 | Number of relevant issues brought to the attention of the ACMA | ACMA chair     |

**Strategic Plan -- Goal 4: Intergovernmental Affairs and Public Relations**  
**North Carolina Advisory Commission on Military Affairs**

| <b>Goal 4: Promote interaction, understanding, and mutual support between military bases, adjacent communities, state, local and federal government, and the general public.</b> |  |   |   |   |
|--|--|---|---|---|
| <b>Objective 4.4 - Enhance networking and joint planning between communities around military bases.</b>  |  |   |   |   |
| <b>#</b>   | <b>Strategy</b>  | <b>Target</b>                                       | <b>Measure</b>                          | <b>Responsibility</b>   |
| 4.4.1  | Urge the League of Municipalities and Association of County Commissioners to establish a permanent joint "Military Affairs Committee" of local elected officials from communities around military bases. | April 2004  | Establishment of committee              | ACMA<br>Governor<br>League of Municipalities<br>Association of County Commissioners |
| 4.4.2  | Brief community leaders on military issues at League of Municipalities and Association of County Commissioners meetings and conferences.   | As meetings sponsored by these organizations occur. | Number of briefings conducted each year | ACMA  |
| 4.4.3  | Designate a state agency/department to take responsibility for coordinating military-civilian compatible land use planning.  | March 2004  | Designation                             | Governor  |
| 4.4.4  | Encourage and facilitate meetings of local government representatives and planners from communities around military bases to coordinate land use, infrastructure and other development issues.           | June 2004   | Number of meetings and results          | Agency designated by Governor in 4.3.3 above  |

**Strategic Plan -- Goal 4: Intergovernmental Affairs and Public Relations**  
**North Carolina Advisory Commission on Military Affairs**

| <b>Goal 4: Promote interaction, understanding, and mutual support between military bases, adjacent communities, state, local and federal government, and the general public.</b> |  |               |  |   |
|--|--|---------------|--|---|
| <b>Objective 4.5 - Promote and facilitate communication, cooperation, and "jointness" between military services and bases.</b>   |  |               |  |   |
| <b>#</b>   | <b>Strategy</b>  | <b>Target</b> | <b>Measure</b>   | <b>Responsibility</b>   |
| 4.5.1  | Facilitate the sharing of information between bases at ACMA meetings and other gatherings.   | Ongoing       | Implementation of joint projects or activities.<br>Feedback from base representatives that this is helpful and productive.                 | ACMA chair  |
| 4.5.2  | Share information between bases about innovative and/or successful tools and techniques to promote good land use practices around bases.                           | Ongoing       | Acres of actual or potential mission-compromising land uses that are zoned or otherwise officially designated or become "compatible uses." | <b>Department of Commerce - Community Assistance</b><br>ACMA<br>Councils of Governments<br>Local Governments<br>League of Municipalities<br>County Commissioners' Association |
| 4.5.3  | Promote additional uses of facilities between bases, and between bases and civilian agencies, especially those with homeland defense missions or responsibilities. | Ongoing       | Additional projects or use of facilities by bases and military services  | ACMA<br><b>Installation commanders and facility management staff</b>  |

**Strategic Plan -- Goal 4: Intergovernmental Affairs and Public Relations**  
**North Carolina Advisory Commission on Military Affairs**

| <b>Goal 4: Promote interaction, understanding, and mutual support between military bases, adjacent communities, state, local and federal government, and the general public.</b> |  |               |   |   |
|--|--|---------------|---|---|
| <b>Objective 4.6 - Protect and enhance North Carolina's military bases during the BRAC process.</b>  |  |               |   |   |
| <b>#</b>   | <b>Strategy</b>  | <b>Target</b> | <b>Measure</b>  | <b>Responsibility</b>                           |
| 4.6.1  | Coordinate and guide state actions during BRAC '05. Track official and unofficial information throughout the BRAC timeline, disseminate to appropriate groups, agencies and individuals, assign responsibility for action, and follow up to ensure completion of required tasks. | Ongoing       | Expansion of NC bases, missions, personnel, and economic impact as a result of BRAC | Lt Governor                                     |
| 4.6.2  | Effectively represent North Carolina's interests in Congress and the administration in Washington throughout the BRAC process.   | Ongoing       | Expansion of NC bases, missions, personnel, and economic impact as a result of BRAC | <b>Lt Governor</b><br>Governor<br>NC Delegation |
| 4.6.3  | Lobby to have someone from NC appointed to the BRAC commission.  | Immediate     | North Carolinian appointed to BRAC Commission                                       | Governor  |
| 4.6.4  | Provide current information about North Carolina laws, policies, and administrative actions that support the military to BRAC commission members and staff, Congressional delegation, and others as appropriate.   | Ongoing       | Expansion of NC bases, missions, personnel, and economic impact as a result of BRAC | Lt Governor                                     |

| #     | Strategy  | Target  | Measure   | Responsibility   |
|-------|---|---------|---|--|
| 4.6.5 | Urge communities to lobby on behalf of their local bases. Coordinate and support these local efforts to the extent feasible.  | Ongoing | Expansion of NC bases, missions, personnel, and economic impact as a result of BRAC | Lt Governor<br>ACMA  |
| 4.6.6 | Take all appropriate actions as enumerated in other parts of this strategic plan to address encroachment, quality of life, spouse employment, public education, medical care, and any other issue that is or may become an important issue in the future of North Carolina's bases. | Ongoing | Adoption and implementation of related actions.                                     | Various, as designated in other parts of this strategic plan |

Chapter 127C.

Advisory Commission on Military Affairs.

§ 127C-1. Creation of the North Carolina Advisory Commission on Military Affairs.

There is created in the Office of the Governor the North Carolina Advisory Commission on Military Affairs to advise the Governor and the Secretary of Commerce on protecting the existing military infrastructure in this State and to promote new military missions and economic opportunities for the State and its citizens. (2001-424, s. 12.1.)

§ 127C-2. Membership.

(a) The North Carolina Advisory Commission on Military Affairs shall consist of 21 voting members, who shall serve on the Executive Committee, and nine nonvoting, ex officio members who shall serve by reason of their positions.

(b) The Executive Committee shall be appointed as follows:

- (1) Three members appointed by the Speaker of the House of Representatives, one of whom shall be a member of a recognized veterans' organization.
- (2) Three members appointed by the President Pro Tempore of the Senate, one of whom shall be a member of a recognized veterans' organization.
- (3) Fifteen members appointed by the Governor, consisting of:
  - a. Three representatives from the Jacksonville community.
  - b. Three representatives from the Havelock community.
  - c. Three representatives from the Goldsboro community.
  - d. Three representatives from the Fayetteville community.
  - e. Three public members from across the State.

(c) The following members shall serve ex officio:

- (1) Secretary of Crime Control and Public Safety, or a designee.
- (2) Secretary of Commerce, or a designee.
- (3) Commanding General 18th Airborne Corps, Fort Bragg.
- (4) Commanding General Marine Corps Base, Camp Lejeune.
- (5) Commanding General Marine Corps Air Station, Cherry Point.
- (6) Commander 4th FW, Seymour Johnson Air Force Base.
- (7) Commander 43rd Airlift Wing, Pope Air Force Base.
- (8) Commander of the U.S. Coast Guard Support Center, Elizabeth City.
- (9) Adjutant General of the North Carolina National Guard.

(d) The Governor shall designate one member of the Executive Committee appointed pursuant to subsection (b) of this section to serve as chair. The Executive Committee shall elect four persons from amongst its membership to serve as vice-chairs.

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

- (1) The members initially appointed by the Speaker of the House of Representatives and the President Pro Tempore of the Senate shall serve terms ending on December 31, 2003.
- (2) Seven of the members appointed by the Governor

shall serve initial terms ending on December 31, 2002.

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

Thereafter, all members shall serve two-year terms. (2001-424, s. 12.1; 2001-486, ss. 2.9(a), 2.9(b).)

#### § 127C-3. Military Advisor.

The Military Advisor within the Office of the Governor shall serve as the administrative head of the Commission and be responsible for the operations and normal business activities of the Commission, with oversight by the Executive Committee. (2001-424, s. 12.1.)

#### § 127C-4. Purposes.

The Commission shall have the following responsibilities and duties:

- (1) Advise the Governor and Secretary of Commerce on how to strengthen the State's relationship with the military to protect the installations of this State from the results of any future defense budget cuts or military downsizing by providing a sound infrastructure, affordable housing, and affordable education for military members and their families, working to be viewed by national military leaders as the most military-friendly State in the nation.
- (2) Develop a strategic plan to provide initiatives to support the long-term viability and prosperity of the military of this State that shall include, at least:
  - a. A comprehensive Economic Impact Study of Military Activities in North Carolina to be conducted by the North Carolina State University Department of Economics and the East Carolina University Office of Regional Development.
  - b. A Strengths/Weaknesses/Opportunities/Threats (SWOT) Analysis conducted by a professional strategic planning group on the current status of the military in North Carolina.
- (3) Study ways to improve educational opportunities for military personnel in North Carolina.
- (4) Assist in coordinating the State's interests in future activities of the Department of Defense.
- (5) Promote initiatives to improve the quality of life for military personnel in this State. (2001-424, s. 12.1.)