

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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HOUSE BILL 1466
Rules and Operations of the Senate Committee Substitute Adopted 10/3/01

Short Title: Support Troops/Civil Relief.

(Public)

Sponsors:

Referred to:

September 17, 2001

A BILL TO BE ENTITLED

1
2 AN ACT TO SUPPORT TROOPS PARTICIPATING IN OPERATIONS ENDURING
3 FREEDOM AND NOBLE EAGLE, AND TO PERMIT LEAVE FOR DISASTER
4 SERVICE VOLUNTEERS.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Findings. – On September 11, 2001, a catastrophic attack on
7 the United States was carried out by terrorists.

8 The President has determined that appropriate military responses to the
9 terrorist attacks will be made, and those responses have been designated as Operations
10 Enduring Freedom and Noble Eagle.

11 The State of North Carolina should assure that military personnel involved in
12 Operations Enduring Freedom and Noble Eagle can serve the country without undue
13 concern for obligations imposed by the State under normal circumstances.

14 Presently it is not possible to determine precisely which requirements of State
15 law may pose problems for military personnel serving in Operations Enduring Freedom
16 and Noble Eagle.

17 It is the intent of the General Assembly that this act be broadly construed to
18 enable the Governor to take such actions as are necessary to assist the armed forces in
19 Operations Enduring Freedom and Noble Eagle.

20 **SECTION 2.** North Carolina takes great pride in the military and
21 intelligence personnel across the country. An untold number of American civilians,
22 military, and public safety personnel have lost their lives. This tragedy will affect not
23 only the victims but also their families and everyone else in the nation. The intent of
24 those terrorists was to disrupt our country and create chaos. The General Assembly
25 pledges to support the President in his efforts to find and punish the responsible parties.
26 The General Assembly is saddened by the loss of the World Trade Center employees,
27 the Pentagon employees, the passengers and crews on the four airplanes, and the law
28 enforcement officers and firemen who unwittingly gave their lives.

29 **SECTION 3.** Definitions. – As used in this act:

- 1 (1) "Military personnel" are members of the armed forces of the United
2 States on active duty or a member of the North Carolina Army
3 National Guard or the North Carolina Air National Guard called to
4 active duty in support of Operation Enduring Freedom or Operation
5 Noble Eagle on or after September 11, 2001.
- 6 (2) "Deployed personnel" are military personnel who serve outside the
7 State. A copy of the soldier's military orders specifying deployment is
8 conclusive evidence of the soldier's deployment.
- 9 (3) "Operation Enduring Freedom or Operation Noble Eagle" include any
10 other operations with differing names arising out of the same
11 occurrence.

12 **SECTION 4.** Waiver of deadlines, fees, and penalties. – Except as
13 prohibited by the Constitution, the Governor may extend deadlines and waive penalties
14 or fees as is necessary to alleviate hardship created for military or deployed personnel
15 serving in either Operation Enduring Freedom or Operation Noble Eagle. Such
16 authority includes, but is not limited to, the authority to:

- 17 (1) Extend for up to 90 days from the end of deployment the validity of a
18 permanent or temporary drivers license issued under G.S. 20-7 to
19 deployed personnel;
- 20 (2) Waive civil penalties and restoration fees under G.S. 20-309 for any
21 deployed personnel whose motor vehicle liability insurance lapsed
22 during the period of deployment or within 90 days after the soldier
23 returned to North Carolina if the soldier certifies to the Division of
24 Motor Vehicles that the motor vehicle was not driven on the highway
25 by anyone during the period in which the motor vehicle was uninsured
26 and that the owner now has liability insurance on the motor vehicle;
- 27 (3) Allow up to 90 days from the end of deployment for any deployed
28 personnel to renew a license as defined in G.S. 93B-1. During the
29 period of deployment or active duty and until the expiration of the
30 90-day period provided for in this subsection, expired licenses that are
31 within the scope of this act shall remain valid, as if they had not
32 expired; and
- 33 (4) Require that any renewal fee applicable to the renewal of a license
34 under subdivision (3) of this section be prorated over the period
35 covered by the license and reduced in proportion to the period of time
36 that the licensee was deployed outside the State.

37 **SECTION 5.(a)** Property taxes. – Notwithstanding G.S. 105-360, deployed
38 personnel are allowed 90 days after the end of the individual's deployment to pay
39 property taxes at par, for any property taxes that became due or delinquent during the
40 term of the deployment. For these individuals, the taxes for the relevant tax year do not
41 become delinquent until after the end of the 90-day period provided in this section, and
42 an individual who pays the property taxes before the end of the 90-day period is not

1 liable for interest on the taxes for the relevant tax year. If the individual does not pay
2 the taxes before the end of the 90-day period, interest shall accrue on the taxes
3 according to the schedule provided in G.S. 105-360 as though the taxes were unpaid as
4 of January 6 of the year within which the taxes were due.

5 **SECTION 5.(b)** Notwithstanding G.S. 105-307, deployed personnel
6 required to list property for taxation while deployed are allowed 90 days after the end of
7 the deployment to list the property. For these individuals, the listing period for the
8 relevant tax year is extended until the end of the 90-day period provided in this act, and
9 an individual who lists the property before the end of the 90-day period is not subject to
10 civil or criminal penalties for failure to list the property required to be listed during
11 deployment.

12 **SECTION 6.** Leave for volunteers. – G.S. 166A-32 reads as rewritten:

13 "**§ 166A-32. Disaster service volunteer leave.**

14 An employee of a State agency who is a ~~certified~~ disaster service volunteer of the
15 American Red Cross may be granted leave from his work with pay for a time not to
16 exceed 15 work days in any 12-month period to participate in specialized disaster relief
17 services for the American Red Cross. To be granted leave, the request for the services of
18 that employee must come from the American Red Cross. The decision to grant the
19 employee leave rests in the sole discretion of the employing State agency based on the
20 work needs of that agency. Employees granted leave pursuant to this Article shall not
21 lose seniority, pay, vacation time, sick time, or earned overtime accumulation. The State
22 agency shall compensate an employee granted leave under this Article at the regular rate
23 of pay for those regular work hours during which the employee is absent from his work.
24 Leave under this ~~act~~ Article shall be granted only for services related to a disaster
25 occurring within the ~~State of North Carolina~~ United States.

26 The State of North Carolina shall not be liable for workers compensation claims
27 arising from accident or injury while the State employee is on assignment as a certified
28 disaster service volunteer for the American Red Cross. Duties performed while on
29 disaster leave shall not be considered to be a work assignment by a state agency. The
30 employee is granted leave based on the need for the expertise in his or her certified area.
31 Job functions although similar or related are performed on behalf of and for the benefit
32 of the American Red Cross.

33 **SECTION 7.(a)** Community college refunds. – Upon request of the student,
34 each community college shall:

- 35 (1) Grant a full refund of curriculum tuition and fees to military reserve
36 and national guard personnel called to active duty or active personnel
37 who have received temporary or permanent reassignments as a result
38 of military operations taking place outside the State of North Carolina
39 that make it impossible for them to complete their course
40 requirements; and
41 (2) Buy back textbooks through the colleges' bookstore operations to the
42 extent possible. Colleges shall use distance-learning technologies and

1 other educational methodologies to help these students, under the
2 guidance of faculty and administrative staff, complete their course
3 requirements.

4 **SECTION 7.(b)** Upon request of the student, each college shall:

5 (1) Grant a full refund of extension registration fees to military reserve
6 and national guard personnel called to active duty or active personnel
7 who have received temporary or permanent reassignments as a result
8 of military operations taking place outside the State of North Carolina
9 that make it impossible for them to complete their course
10 requirements; and

11 (2) Buy back textbooks through the colleges' bookstore operations to the
12 extent possible. Colleges shall use distance-learning technologies and
13 other educational methodologies to help these students, under the
14 guidance of faculty and administrative staff, complete their course
15 requirements.

16 **SECTION 7.(c)** This section applies to the 2001-2002 academic year only.

17 **SECTION 8.(a)** UNC System refunds. – This section is intended to assist
18 the constituent institutions of The University of North Carolina in situations in which
19 students request refunds of tuition or fees because of involuntary or voluntary service in
20 the military or because of circumstances related to national emergencies.

21 Upon request of the student, all constituent institutions may issue a full
22 refund of tuition and required fees to students who are involuntarily called to active duty
23 in the military after a semester or term begins.

24 All constituent institutions should have a process for determining on a case-
25 by-case basis whether to grant a full refund of tuition and required fees to students who
26 volunteer for military service or who request to withdraw because of circumstances
27 related to a national emergency.

28 Constituent institutions should determine under what circumstances students
29 who withdraw because of military service or circumstances related to national
30 emergencies should be given the option of receiving incompletes in their courses instead
31 of receiving tuition and fee refunds.

32 Constituent institutions should determine whether or not to give full or pro
33 rata refunds of housing, parking, and other optional fees to students to whom they give
34 tuition and required fee refunds.

35 Constituent institutions which offer courses on military bases should defer to
36 their contracts with the military in making determinations concerning withdrawal from
37 courses due to changes in assignments of military personnel.

38 It is recommended that every campus review its policy on tuition refunds and
39 make modifications necessary to cover the circumstances described in this section.

40 **SECTION 8.(b)** This section applies to the 2001-2002 academic year only.

41 **SECTION 9.** This act is effective when it becomes law.