



2017-2018 General Assembly

SENATE BILL 99: Appropriations Act of 2018, Sec. 19.3: Military Affairs Commission/Members and Payment of Expenses from BRAC Funds

Committee:	Date:	August 10, 2018
Introduced by:	Prepared by:	Billy R. Godwin Staff Attorney
Analysis of:	Sec. 19.3 of S.L. 2018-5	

OVERVIEW: *Sec. 19.3 of S.L. 2018-5 amends the laws governing expenditure of funds from the Military Presence Stabilization Fund and the voting authority of members of the General Assembly serving on the North Carolina Military Affairs Commission (NCMAC) to:*

- *Eliminate the restriction limiting expenditure of certain Military Presence Stabilization Funds to the 2017-2018 fiscal year.*
- *Require the Department of Military and Veterans Affairs (DMVA) to pay from its appropriations certain expenses approved by the NCMAC within 30 days of receiving a payment request by the NCMAC, and to make payment on any contract or grant awarded by the NCMAC no later than its due date without need of a request from the NCMAC.*
- *Extend to February 15, 2019, the due date of a report by the NCMAC to the Joint Legislative Oversight Committee on General Government on expenditures from the Military Presence Stabilization Fund.*
- *Prohibit any member of the General Assembly appointed to the NCMAC from voting on matters that expend funds appropriated by the General Assembly.*

This act was vetoed by the Governor on June 6, 2018, and that veto was overridden by the General Assembly on June 12, 2018. This section became effective on July 1, 2018.

CURRENT LAW: The NCMAC consists of 23 voting members with 13 being appointed by the Governor and five each being appointed by the Speaker of the House of Representatives and the President Pro Tempore of the Senate to provide advice, counsel, and recommendations to the Governor, the North Carolina General Assembly, the Secretary of Commerce, and other State agencies on initiatives, programs, and legislation that will continue and increase the role the State’s military installations play in America’s defense strategy and the economic health and vitality of the State. The member of the NCMAC from the House of Representative appointed by the Speaker of the House of Representatives and the member of the NCMAC from the Senate appointed by President Pro Tempore of the Senate are prohibited from voting, as commission members, on matters that expend funds appropriated to the NCMAC by the General Assembly. The General Statutes do not limit the voting authority of any members of the General Assembly appointed by the Governor to the NCMAC.¹ The Military Presence Stabilization Fund is a special fund in the DMVA used to fund actions approved by the NCMAC to make the State less vulnerable

¹ Part 11 of Article 14 of Chapter 143B of the General Statutes.

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Senate Bill 99

Page 2

to closure pursuant to federal Base Realignment and Closure (BRAC) and related initiatives.² Certain authorized expenditures in the Fund are limited to the 2017-2018 fiscal year.

BILL ANALYSIS: Sec. 19.3 of S.L. 2018-5 does all of the following:

- Eliminates the restriction limiting expenditure of certain Military Presence Stabilization Funds to the 2017-2018 fiscal year.
- Requires the DMVA to pay from its appropriations certain expenses approved by the NCMAC within 30 days of receiving a payment request by the NCMAC, and to make payment on any contract or grant awarded by the NCMAC no later than its due date without need of a request from the NCMAC.
- Extends to February 15, 2019, the due date of a report by the NCMAC to the Joint Legislative Oversight Committee on General Government on expenditures from the Military Presence Stabilization Fund.
- Prohibits any member of the General Assembly appointed to the NCMAC from voting on matters that expend funds appropriated by the General Assembly.

EFFECTIVE DATE: This section became effective on July 1, 2018.

² G.S. 143B-1217.