Meeting Minutes NORTH CAROLINA MILITARY AFFAIRS COMMISSION LEGISLATIVE AFFAIRS COMMITTEE North Carolina Legislative Office Building Conference Room 300-B 300 N. Salisbury Street Raleigh, North Carolina 27603 October 30, 2013

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Voting Members Present:

Sen. Harry Brown, Rep. George Cleveland, USMC, Retired; Jeremiah Daniels; SGM Bill Hatcher, USMC, Retired; and Honorable Efton Sager, USAF, Retired.

Non-voting Members Present:

Lt. Governor Dan Forest, Paul Dordal; Rep. John Bell, BG Mabry "Bud" Martin, USARNG, Retired (via phone); Director of Veterans Affairs Ilario Pantano; and MajGen Cornell Wilson Jr., USMC, Retired.

Others Present:

Hal Pell (counsel to the NC House Military Affairs Commission); Lance Despain (via phone); Paul Friday (via phone) and Darryl Black.

Call to Order

Chairman Mabry (Bud) Martin called the meeting to order at 3:40 p.m. and welcomed everyone to the meeting.

Appoint Officers

Recognizing that a quorum of voting members was present, Mr. Darryl Black initiated the nomination process for officers. Mr. Sager nominated Sen. Harry Brown to serve as Committee Chair which was seconded by Lt. Gov. Dan Forest. The Committee unanimously voted for Sen. Brown to serve as Chair of the Legislative Affairs Committee.

Chair and Vice Chair Reports

Chair Martin thanked Mr. Black for his assistance with the NC Military Affairs Commission and welcomed MajGen Cornell Wilson Jr., USMC, Retired, to his new role as the Military Advisor to the Governor. He then proceeded to provide a status update on the Commission. As directed in Senate Bill 613, a focus of the Commission has been the approval of the bylaws. Bylaws are important since they clearly define the process, roles and responsibilities of committees and their members to the Commission. There is also an effort underway to develop a budget for the Commission's voting members for per diem and travel reimbursements expenses as statutorily defined. Committees are already meeting and upcoming meetings include the Economic Development committee on Nov 6th, the Executive Steering Group on Nov 12th and a full Commission meeting to be held in Ft. Bragg on Dec 3rd. The development

of any group can be described in the following stages: Forming, Storming, Norming and Performing. The Commission is still in the forming and storming stages and Chairman Martin stated that his intention is to move to the Norming stage as soon as possible.

Vice Chair Dordal provided a brief update from the Quality of Life committee meeting held in Fayetteville and the Sustainability Committee meeting held in Goldsboro. The Quality of Life committee discussed the role of community delegates who will meet with installation commanders on a quarterly basis to prioritize issues and bring them back to the appropriate committee. A Veterans Initiative program update was provided by the Director of Veterans Affairs. The Sustainability Committee is looking at a number of initiatives related to protecting the sustainability of bases. For example, the regulation of wind turbines and land use management measures. Seymour Johnson AFB land use issues are being resolved at a local level of which a new state veteran's cemetery was a part of one such effort. The director of training at Ft. Bragg discussed compatible use programs. The Readiness Environmental Protection Initiative (REPI) was discussed with regards to the protection of buffers around military installations at Ft. Bragg and Camp Lejeune. The relationship with OSD and working lands programs were also discussed.

Rep. Cleveland asked Vice Chair Dordal about the status of meeting minutes.

Vice Chair Dordal stated that meeting minutes would first be reviewed by the chairs and once approved will be posted onto the website.

Review of Proposed Committee Bylaws

Vice Chair Dordal stated that members of committees have been instructed to review the draft bylaws and to determine whether the proposed process is suitable for their committee. The Purpose section as defined in Senate Bill 613 states, "The Commission shall provide advice, counsel, and recommendations to the Governor, the General Assembly, the Secretary of Commerce, and other State agencies on initiatives, programs, and legislation that will continue and increase the role that North Carolina's military installations, the National Guard, and Reserves play in America's defense strategy and the economic health and vitality of the State". The Legislative Affairs Committee has a direct role in helping the Commission fulfill its mission since there were over thirty bills affecting the military introduced during the last legislative session. The Legislative Affairs Committee will assist members of the General Assembly in understanding the needs of the military. Each goal is supported by a committee. The goal for the Legislative Affairs Committee is to "Provide legislative and state agency coordination for military related issues. Clarify and strengthen the ability of the General Assembly and State Agencies to carry out their functions and to write legislation appropriate to support the objectives of the State as declared in this document. Coordinate and leverage efforts among military installations, state agencies, military interest groups and others to take appropriate actions at the state level to promote base sustainability, economic development and quality of life." This committee will also assist other committees with their efforts and will have a role similar to a clearinghouse to vet priorities. For example, if the Sustainability Committee were to consider a wind turbine matter, or the Quality of Life committee, an instate tuition matter, the Legislative Affairs Committee could step up to ensure these issues are effectively addressed in legislation. Another example is Hofmann Forest since there are now several questions such as the potential impact to air space related to the contract.

Mn Black asked members to review revised draft by laws and provide feedback prior to the nex Executive Steering Group Meeting to be held on Nov 128

Review of Recent Legislative Activity

Vice Chair Dordal stated it is advantageous to have a list of bills available to review beforehand versus after the fact.

Sen. Brown said it is commendable that over 15 bills last year became law, many of which assisted military families.

Mr. Black discussed the bill handout showing legislation from the past ten years sorted by status (introduced vs. law), year, chamber and bill. Almost 300 bills are currently on the list and eventually an updated list will be located on the website as a part of a state marketing program.

Mr. Hal Pell stated that military omnibus bills should be carefully reviewed and that several bills didn't pass mainly due to financial constraints. It is difficult to exclude taxable income tax in a recessed economy with limited revenues. There may be a few outstanding money bills.

Mr. Sager stated that income tax remains an issue today and many active duty people based in NC claim another state as their home state due to an advantageous income tax climate.

Rep. Cleveland suggested that this exclusion policy could be extended to all active duty personnel.

Although he believes most bills have already been passed, Sen. Brown would like a list of bills that are eligible to be heard next session. Sen. Brown said it was likely that it may not be until the 2015/16 session before a significant amount of new military-related legislation can be introduced.

Vice Chair Dordal recommended that money bills be messaged properly so that long-term benefits are identified and that these may outweigh any short-term cost. Also having an updated study of the economic benefits of the military to the State would enable the General Assembly to develop an overall cost-benefit analysis. Even though some states with no income tax, in all fairness this policy in many cases extend to all taxpayers. Also another way to make an income tax plan for the military personnel more palatable would be to establish income cap exclusions.

Sen. Brown concurred and asked members to review the legislation spreadsheet realizing that other committees may suggest other legislative ideas as well.

Mr. Black elaborated on other topics of consideration currently being tracked by NCSL that included: base realignment and closure, benefits, education, employment and occupational licensing, health, insurance, mental health, mission sustainability and readiness, taxation issues, and spousal employment issues.

• Mr. Black will work with Commerce III to post recent military-related legislation on the website

North Carolina Military Affairs Commission Legislative Affairs Committee

Min Black will highlight certain bills that could be considered in a marketing retention and reoninment effort showing No. is the most million and second state
Min Black asked committee members to identify bills of interest in order to state a list
Min Black will identify eligible bills to be heard in the session
Min Black will be certain and work with NC GA state to brait necessary legislation
Min Black will correct the Respect Councilient Bergs Bills into or legislative spreadsheet

Before departing for another meeting, Lt. Governor Forest offered his support and said that he would do what was needed to aid the Commission including travel to D.C. if necessary.

Other Business and Points of Interest

Hofmann Forest

Sen. Brown provided a brief history on Hofmann Forest, an 80,000-acre land tract located in Jones and Onslow counties. NC State including the chancellor from the start, provided assurances that working forest provisions and military training would be significant factors in the bid process and final agreement. A recent news story does bring up some concerns about outstanding easement arrangements especially in light of the ongoing federal budget situation.

Rep. Cleveland states that this is just an agreement and not a deed; hence this land arrangement could go away tomorrow.

Chair Martin wanted clarification on the ownership of this property.

Sen. Brown responded it is his understanding that the property belonged to the NCSU's College of Natural Resources Foundation and not the university. The pending sale of \$150 million will bring in about \$6 million dollars of revenue per year which is substantially more than the foundation currently receives from a working forest. There is a pending lawsuit; however it doesn't look like there is much merit and as a result, it is likely this deal may close fairly quickly.

Lt. Governor Dan Forest asked who is responsible for maintaining relationships with the congressional delegation and federal government agencies like the Pentagon.

Sen. Brown responded that the Military Affairs Commission would fit that niche and believed a trip to Washington D.C. is necessary to meet with the congressional delegation. He has some concerns that there is not a lead person focusing on this issue and a strong voice is needed.

Paul Friday via phone proceeded to provide his perspective on the pending Hofmann Forest sale. He stated that the article was very accurate. As of this time, he had not personally seen the agreement; however, there are some who have reviewed the lengthy document. He believes there is a lot of "intents". First is the intended use of Hofmann Forest. Preserving Hofmann as a legacy and working forest was an understanding he also had, although from his understanding the contractual documentation doesn't explicitly state this.

Sen. Brown requested clarification on the easements as discussed in the news article.

Mr. Friday said that the intention of the easements not only focused on Hofmann Forest but includes buffer land around Hofmann Forest. He believes there is an intention by the new owner to work in concert with the military to create military easements and protect land around the forest- but there is nothing specific on leases and contracts.

Sen. Brown requested clarification on the timing of negotiations.

Mr. Friday stated that he has already been in contact with new owner's representative Jerry Walker who wants to meet in the upcoming weeks. They are still in the process of performing a title search. The DOD side is going to take much time and as a result, the new owner needs to understand this. The military wants to be a true partner with Hofmann Forest, LLC as has engaged the local community including retired officers with connections to the Pentagon.

Vice Chair Dordal asked about the valuation regarding contracts being sold to the DOD.

Mr. Friday explained the valuation process. He stated that appraisals are based on the highest and best use. Since the sales agreement does not commit the new owners to maintaining Hofmann as a perpetual working forest, this valuation will now likely be higher. As a result, the appraised value will likely come in closer to the sale price. You then subtract the intended uses that are not in conflict with the military which lowers the easement value. If the property can be converted to housing there would be a higher easement cost then just protecting night sky. The value of an easement would range from \$20 million to \$60 million. The specific wording of the contractual document will need to be reviewed since this can dramatically affect the value of an easement. Mr. Friday does not feel that it will be anywhere near the sale price. The sale price of \$150 million included a gift value of \$4.2 million leaving \$145.8 million. Typically an appraisal will come close to the value of the last sale price of a property which as mentioned earlier can be adjusted upwards if there is a conversion opportunity. This will be a negotiated term. You would not want to put an easement on all of Hofmann Forest and contracts or leases may be applicable with some parcels.

Vice Chair Dordal mentioned that if space becomes an issue for training, eventually the military could move units away resulting in reduced training space requirements. He asked about the impact to the military in case funding for easements isn't available and the military couldn't train on Hofmann Forest in the foreseeable future.

Mr. Friday stated that if the military could not fly over Hofmann Forest there could be a significant impact especially for some squadrons. Of equal importance would be the impact on ground training operations. Due to reduced funding, there is a need to train "in your own backyard" to save on fuel. On the other hand from a positive spin, you now have the largest landowner in NC, possibly in several states, who is intending to purchase another 20,000 acres. There is much you can do with 110,000 acres allowing training opportunities well into the future. In addition to the Marines, the Army Special Forces also uses

this area. Another item of consideration is natural resources. It is possible the owner could be interested in this area as well.

MajGen Wilson added that he believes joint operations may also use this location.

Sen. Brown voiced concerns about DOD dollars and wanted an update on this matter.

Mr. Friday stated that money is indeed tight; however, there are currently no specific numbers to work from. If sequestration is maintained in its current form, then there will likely be a "Milcom holiday" for a few years. If sequestration were to be extended to the 2017-2018 timeframe without any adjustments, cuts would then become draconian. He hopes the worst case is two or three years of tight budgets with some relief in 2018. The real question is what happens between now and Feb. The good news is that Hofmann Forest ranks high so it is likely there will be some money in 2016 likely in the \$15 million to \$20 million range; however, he is unsure whether the new owner would be comfortable with that amount or the processing delay. The immediate goal is to work with an existing \$4.5 million in escrow to secure easement parcels in good faith. The military will meanwhile continue to secure additional funding while working on a MOU to capture the intent of owner and military. The owner does appear to be in favor of a signing a MOU.

MajGen Wilson asked about the estimated time for the sale to be complete.

Mr. Friday expects about 60 days.

Sen. Brown asked for an update on the pending lawsuit.

Mr. Friday believes a hearing on the lawsuit is forthcoming and if a judge deems that this is indeed state property, the process starts over again since the decision would nullify and void the existing agreement. NC State University believes it is in good standing on this matter with an argument that since the 1920s the property has not been included in the State inventory and therefore should not considered state property. Mr. Friday hopes the new owner wants to make this a legacy property of national significance. Although he would have liked to have seen a perpetual working forest, it may be unrealistic to tie someone's hands forever.

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Lance Despain stated that he believes that the new owner was likely the best available buyer and NC State, a land grant institution with a long history with the military, does have good intentions. The military's number one priority, especially with the Marines is training efforts and they will even cancel other initiatives such as construction projects, new weapons programs, new boats/uniforms or even road maintenance. Since Hofmann Forest is so intertwined with training it will be a priority even in these times of austerity.

Mr. Friday said that many until now have thought Hofmann was safe and now leadership is taking notice. He would like to see a state working lands group assembled perhaps under the Commissioner of Agriculture.

• Vir Blackwill check on the workgroup status with the Department of Avaneolities

Mr. Pell, Legal Counsel for the House Military Affairs Committee, stated he is unfamiliar with the background and prior discussions but believes that if the military absolutely needs the property for training they could take it as an aviation easement. However it is usually less expensive to work out a voluntary agreement with the owner in a less litigious manner. The air space is the military's if they want it and of the anticipated value of the land should be factoring this in. It also sounds like the federal government may not be overly concerned about a reverse condemnation suit by the owners of this property at some time.

Sen. Brown states that Hofmann Forest may also be a discussion point on the trip to D.C. to meet with the Pentagon and congressional delegation.

Budget Control Act and Sequestration

Vice Chair Dordal stated sequestration is a long-term initiative that will cut over \$1 trillion over 10 years. The Budget Control Act reduced personnel by 200,000 including 80,000 from the Army and 40,000 out of the Marines. As a result, a realignment of forces is already occurring. For example Ft. Bragg is losing a brigade combat team (3,500 personnel) that may be partially offset by gains in Special Forces. Any downsizing will have a significant economic impact since a large percentage of the economy is personnel based. Any downsizing can quickly offset efforts of the Department of Commerce to bring more jobs to the State. The next round of BRAC will likely focus on efficiency and cost savings and some suggest a stealth BRAC is already underway.

Sen. Brown states that he has heard about a possible reduction of 12,000 Marines from 51,000 to 39,000 at Camp Lejeune.

Mr. Despain provided an update on his perspective on sequestration. He stated that MajGen Wilson attended AUSA as well. He said he was working behind the scenes with the North Carolina delegation in Washington D.C. Starting at a high level, the two Senators are against sequestration; however, about 70% of the House delegation is currently in support of sequestration. It would perhaps be easier to state who doesn't support sequestration. Despite a number of states having a mixture of Democrats and Republicans, other states appear to be doing a better job of rallying together to protect their state's military economy and jobs. This is one of our State's weakest points. It is well known that one of the compromises to get the budget matter resolved in January will be maintain in large part the existing sequestration. From a military perspective, this is not "Armageddon" but it is still a bad situation. Though North Carolina came out on the upside as far as personnel during better times, this time the state may not fare as well.

There are three scenarios which increasingly gets worse for the military. Per the military leadership:

- Plan A (announced) will place anything not directly related to training and military readiness on the chopping block.
- Plan B (unannounced) occurs when sequestration extends through January. There will likely be major program cuts and massive reductions in troop levels.
- Plan C (unannounced) would be a post-Vietnam era type plan leading to a real concern about our mission combat readiness and whose numbers especially related to the Marines and NC is best not discussed. This would present a massive issue for the number of veterans that would need to be released.

Sen. Brown asked whether anyone was able to meet with General James F. Amos, USMC; the Commandant of the Marine Corp.

Mr. Despain replied Gen Amos was not in any of the AUSA discussions.

Sen. Brown asked Mr. Despain whether it would be beneficial to get a group together to travel to D.C. to explain firsthand the potential impact of sequestration on the military and for the state's economy.

Mr. Despain responded realistically it is difficult just to get the congressional delegation all in the same room together. In a recent pitch to become one of six states vying for an unmanned aerial vehicle test site, when the congressional delegation finally got together, many of the staffers do not even know each other. So to get a consolidated approach and strategy could be quite difficult.

Chair Martin stated this sequestration could have an adverse impact on small businesses throughout the State who support the military and asked for clarification whether a strategic approach should target the entire congressional delegation or target members whose districts included military installations.

Mr. Despain responded though it is helpful to have members whose district includes a military installation; all members will need to come on board since the real issue is overall negotiations over the budget. Without naming names, there are congressional representatives who are pro-sequestration whose districts include military installations.

Sen. Brown and Chair Martin asked whether Rep. Jones and Rep. Elmers need to be targeted.

Mr. Despain believes that they may be good candidates since they have bases as well as Rep. Holding who may be on the fence. It is an ongoing issue that he has discussed with the Governor and Tony Almeida about. One of the goals of bringing MajGen Wilson on board as the Military Affairs Advisor for the Governor is to use this bully pulpit with a clear elevator speech to interface with Congress. Unfortunately Congress was recessed during AUSA and the Governor was only able to meet with one congressional member. While the senators' staff was present at the AUSA NC reception, many congressional members and their staffers were absent. So you will likely need to invest your time in working on educating congressional members. With sequestration looming, consultant and lobbying activity has increased dramatically. There were many displays at the Association of the United States Army (AUSA) 2013 Annual Meeting & Exposition. Hence a more personalized message would be advantageous to elevate above the noise of it all.

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Though not as pressing of a concern as sequestration, MajGen Wilson discussed another factor in play is the "pivot to the west". Recently a three-star was moved to Norfolk VA in relation to Marine Forces Command. The brigade in Camp Lejeune will have a one-star to focus on a diverse set of initiatives.

Rep. Cleveland added that the drawdown may have also contributed to the three-star position moving to Norfolk VA.

Mr. Despain stated that "little things" are already happening even without sequestration. The state recently lost the Super Hornet CFT to a west coast base. It was great to have the Governor talking with the Army; however the Marine Corps and even more so, the Air Force have been aggressive about their base consolidation efforts. This of course affects the future of Seymour Johnson AFB. Also another factor not highly publicized is that in NC general officers above one star are being downgraded to brigadier-star general billets.

Sen. Brown asked Mr. Despain about what are Virginia and South Carolina doing about this pressing situation.

Mr. Despain stated that they have strong delegations that are pushing back against the services. There are so many commands around the metro-DC area that there is already a strong push to consolidate there. Now U.S. Africa Command is discussing a move to VA or SC. NC should have been in the discussion but the State does not have an aggressive bulldog delegation. So regardless of your viewpoint on sequestration, it doesn't make sense to cede away such opportunities.

MajGen Wilson stated that a while back when looking at moving Africa Command (AFRICOM), they were looking at Atlanta GA and VA. Now that it is possibly under consideration again, NC should demonstrate an interest. A large number of civilians numbering about a thousand will be moving back to the US and this location will need to be sited near a big airport which is why Atlanta, DC airports and Charleston airports are considered factors in such a move.

Mr. Despain stated that AFRICOM will likely involve Special Forces, co-location and joint activities. This should be to the State's advantage since over half of Special Forces personnel reside in NC.

Vice Chair Dordal stated our State did not benefit from any joint operations bases during the last BRAC of which there were 12 opportunities. As an example Shaw Air Force base located near Sumter, South Carolina is still building up their forces. A priority should be to get a joint base that can survive the next round of base closings, perhaps in Seymour Johnson AFB or Cherry Point. It is also disturbing to see that not one of our congressional delegates is a member of the congressional military caucus. This is posted on the American Defense Communities website (<u>http://www.defensecommunities.org/federal-outreach/defense-communities-caucus</u>)

Vice Chair Dordal to assess whether the Congressional Mulifary Cancus is a form or House Cancus

Rep. Sager expressed that across the board "cut-cut-cut" campaign promises can come back to haunt politicians during election time.

Proposed Washington D.C. Trip

Sen. Brown who attended a trip to D.C. during the last BRAC started off by saying that it is unfortunate that the congressional delegation hasn't taken more interest on the possible impact on the State from sequestration and though not a preferable approach, applying pressure may be the only remaining alternative. He expressed "sometimes you just got to do, what you have to do". However, prior to doing this, a frank conversation with the congressional delegation is needed to at least put them on notice and now is the time since this process is moving fairly quick.

Rep. Bell asked about the best approach to involve the congressional delegation.

Mr. Despain believes just getting the congressional delegation to come together is a huge step. Engaging highly paid lobbyists when our congressional delegation will not even listen to the Governor would not be a prudent move at this time.

Sen. Brown asked whether meeting with the Pentagon would be beneficial.

Mr. Despain believes the State is doing the best under the circumstances and it is helpful that the services already rank NC pretty high. A state entourage would definitely want to meet with the USAF and believes even so, it would still be an uphill battle not to lose our fighter squadrons. It would also be strategically significant to discuss with the USAF their need for other missions --- for example a UAW test range (unmanned air force command), joint training or USAF special operations. It is worthwhile to see what is in play and how NC falls into it. NC does bring much to the table with its great bases, supportive communities, training programs, readiness opportunities, cooperative legislature and engaged Governor.

Vice Chair Dordal suggested having a Senator involved could expedite the process.

Sen. Brown agrees that Sen. Hagan with her position on the Armed Services Committee [she chairs the Senate Armed Services Subcommittee on Emerging Threats and Capabilities] needs to be a focal point; however, the initial meeting should be set up as soon as possible with the entire congressional delegation and suggested, if possible, the Governor should be a part of that entourage.

MajGen Wilson also suggested that a letter from the Governor could show solidarity that the entire State is behind this initiative.

MaiGen Wilson will draft a letter from the Governor showing the states support for the military

Mr. Despain proposed having retired officers aid in the process since almost everyone in charge of a branch of service today once served or was mentored by a Military Foundation board member. Priorities should include representatives who serve on the Congressional Armed Services committee (Rep. Jones

and Rep. McIntyre) who have "bases in their backyard". Sen. Brown, the Military Advisor, the Governor and retired generals would make a good first impression. Mr. Despain who is the director of the NC Military Foundation offered to send out a message to NC Military Foundation Board members to see who would be interested. Retired military officers to be considered inviting include: Gen. William F. "Buck" Kernan, USA, Retired; Gen. Dan McNeill, USA, Retired; MGen Bob Dickerson, USMC, Retired; LtGen Sam Helland, USMC, Retired and Lance Smith, USAF, Retired.

Mr. Despain will contact select Foundation Board members to see who would be interested an going incip/C impto meet with the contressional delegation

Director Pantano stated unless you change the perspective of the congressional delegation, public pressure may be necessary. A public relations initiative, organized lobbying effort, press engagement or perhaps some other method may be needed to put pressure on the congressional delegation. Hofmann Forest, LLC is a public relations disaster directly affecting training efforts and is happening in the middle of an informal BRAC.

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Proposal to Move Commission Administrative Function from Commerce to Governor's Office

Sen. Brown has spoken with Commerce Secretary Decker about moving a portion of statutorily authorized Military Affairs Commission administrative functions from the Department of Commerce to the Governor's Office. He believes this would enable the Governor to become more involved with Military Affairs at this important time.

Veterans Affairs Updates

Director Ilario Pantano stated that Veteran issues are often only mentioned from a Quality of Life perspective. Many assume that veterans are a subset of military life but it is different. To assume the military and veterans are the same is akin to equating senior care with elementary education because it affects the same person over the course of their life. Director Pantano then distributed a handout that included twenty years of enacted legislation including a brief summary broken into three phases:

- Phase 1 Workforce/Jobs, Education, Healthcare;
- Phase 2 Legal, Family, Recreation, Housing; and
- Phase 3 Veteran Benefits, Miscellaneous topics.

Next Meeting

Mr. Black requested a good time to schedule the next committee meeting sometime after the next MAC Commission meeting.

Sen. Brown asked if anyone had a conflict meeting on Wednesdays and no one appeared to.

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Mr. Black said he will target to schedule the next Legislative Affairs committee meeting on the second Wednesday in December.

. Wh Black to send out a commune meeting notice for Dec The meeting

Adjournment

The Committee adjourned at 5:20 p.m.

Respectively submitted by Darryl Black on November 11th, 2013.