Dear Reader:

The National Conference of State Legislatures (NCSL) appreciates this opportunity to continue partnering with the Department of Defense (DoD) in its ongoing efforts to inform state legislators and staff about the range of policy options available to them to support mission sustainability of their neighboring military installations, the associated testing and training operations and the quality of life of our veterans, separated service members and their families.

First released in 2010, this Updated State Policy Options is the third edition of this report and follows on the successful primer series that NCSL has published in cooperation with the DoD, including Working with State Legislators: A Guide for Military Installations; Strengthening Military-Community Partnerships: Land Use, Clean Energy and Mission Change; and several articles on the subject of sustainability and veteran quality of life published in State Legislatures magazine.

These primers and the State Policy Options report are all designed to encourage a greater understanding of the roles that state legislators, local government officials, land conservation organizations, and the military play in managing development near military bases, protecting natural resources, the health and safety of the neighboring communities and ensuring the well being of the service members who defend our country. This report presents information about a broad range of state policy options enacted in response to the ever-growing challenges facing today’s military.

NCSL’s Task Force on Military and Veterans Affairs exists to examine issues affecting military-community relations and the health and well-being of veterans. The issues covered by the task force include: development near military installations; military-community partnerships to respond to mission change; veteran employment; mental health, substance abuse, and family relationships facing returning veterans; and benefits for military personnel, veterans, and their dependents.

NCSL is the bipartisan organization that serves the legislators and staff of the states, commonwealths, and territories. We provide research, technical assistance, and opportunities for policy makers to exchange ideas on the most pressing state concerns. Our objectives are to improve the quality and effectiveness of state legislatures, promote policy innovation and communication among our constituents, and ensure state legislatures a strong, cohesive voice in the federal system.

Sincerely,

Senator Leticia Van de Putte, Texas  
Representative Dan Flynn, Texas  

Co-Chair, NCSL Military and Veterans Affairs Task Force  
Co-Chair, NCSL Military and Veterans Affairs Task Force

NCSL Staff Contacts:  
Jim Reed (jim.reed@ncsl.org) and Brooke Oleen (brooke.oleen@ncsl.org)
## Table of Contents

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Communication with Installations</td>
<td>2</td>
</tr>
<tr>
<td>Funding (or Tax Incentives) to Purchase Property or Development Rights to Protect Compatible Land Uses</td>
<td>4</td>
</tr>
<tr>
<td>Land Use Planning and Compatible Land Use Statutes</td>
<td>6</td>
</tr>
<tr>
<td>Light Pollution or Dark Skies Requirements</td>
<td>8</td>
</tr>
<tr>
<td>Real Estate or Neighboring Property Disclosure</td>
<td>10</td>
</tr>
<tr>
<td>Remove Licensure Impediments for Service Members Leaving the Military</td>
<td>12</td>
</tr>
<tr>
<td>Remove Licensure Impediments for Military Spouses</td>
<td>14</td>
</tr>
<tr>
<td>Veterans Treatment Courts</td>
<td>16</td>
</tr>
<tr>
<td>Quality Child Care for Military Families</td>
<td>18</td>
</tr>
<tr>
<td>In-State Tuition for Separating Service Members</td>
<td>20</td>
</tr>
<tr>
<td>Child Custody Issues Facing Military Families</td>
<td>22</td>
</tr>
<tr>
<td>State Support for Military Testing, Training and Mission Sustainability</td>
<td>24</td>
</tr>
</tbody>
</table>
Communication with Installations

Issue
Land use planning is crucial to the sustainability of military installations. As residential and commercial developments grow closer to military installations, it is important for local authorities to have a thorough understanding of how new development may affect the test or training missions of the military, and how those exercises could impact the quality of life for people living and working nearby.

Policy Options
In most states, the framework for how local governments conduct land use planning is set by the state legislature. By notifying and giving military installations the opportunity to participate in the planning process, state legislatures can promote compatible development and ensure the sustainability of their state’s military installations. For example, a number of states have established avenues for military representatives to serve in an ex-officio capacity on state or local zoning or planning boards.

Current Status
Currently, 17 states require communication with or notification to installations concerning land use changes (Figure 1). These laws and the subsequent regulations create a more formal communication process among state and local governments and the military. As a result of this increased communication, states can avoid unintentional conflicts in local planning and development and ensure the sustainability of their military installations.

Examples of State Policy Approaches
The following are examples of legislation requiring communication or notice requirements:

- Arizona enacted legislation requiring local governments within the vicinity of a military airport to consult with, advise and provide the military airports the opportunity to comment on land use surrounding the installation.
  
  http://www.azleg.state.az.us/ArizonaRevisedStatutes.asp?Title=28

- http://www.azleg.state.az.us/ars/28/08480.htm

- http://www.azleg.state.az.us/ars/28/08481.htm


Figure 1 States with Legislation Requiring Communication with Installations
California requires local governments, before adopting or substantially amending a general plan, to refer the proposed action to the appropriate branches of the U.S. Armed Forces.

Florida H.B. 7075 of 2012 clarifies and revises procedures related to exchange of information between installations and local government. Creates the Military Base Protection Program where funds of the program may be used to address emergent needs relating to mission sustainment and base retention.

Florida H.B. 7081 of 2012 clarifies and revises procedures related to the exchange of information between military installations and local governments under the act.

Kentucky requires local planning entities to consult with the military commander to determine land use planning needs.

North Carolina requires local governments to provide military installation commanders written notice at least 10 days (but not more than 25 days) before a public hearing to consider any ordinance that would change zoning or affect the permitted uses of land within five miles of a military base.

Texas Local Government Code § 397.005 requires local governments that are adjacent or near a military installation, when an ordinance, rule, or plan proposed by the community may impact a defense base or the military exercise or training activities connected to the base, to seek comments and analysis from the defense base authorities concerning the compatibility of the proposed ordinance, rule, or plan with base operations.

Texas H.B. 1665 of 2011 requires a defense community that includes a municipality with a population of more than 110,000 located in a county with a population of less than 135,000 and that has not adopted airport zoning regulations under the Airport Zoning, that proposes to approve a proposed structure or adopt or amend an ordinance, rule, or plan in an area located within eight miles of the boundary line of a defense base to notify, rather than seek comments and analysis from, the defense base authorities concerning the compatibility of the proposal with base operations.

Virginia requires local governments to notify the commander of a military installation when considering a proposed change to the comprehensive plan or a zoning ordinance, if it involves any parcel of land located within 3,000 feet of a boundary of a military installation.

Washington requires local governments with military installations with more than 100 personnel to notify the commander of any intent to amend the comprehensive plan or development regulations of lands adjacent to military installations to ensure those “lands are protected from incompatible development.”
Issue
The loss of compatible land uses near military operating areas can threaten the training or test missions of the installation.

Policy Options
One way states can ensure compatible land use around military installations is to create “buffer” areas by purchasing property or development rights. Buffer areas can be created through partnerships between state and local governments, federal entities, including DoD, and nongovernmental groups. These partnerships can acquire real estate from willing sellers, allowing the land to remain undeveloped under control of their authority, thereby ensuring compatible land use. In many cases, this can preserve a habitat area to relieve or avoid environmental restrictions on operations.

Current Status
Currently, 19 states have passed laws creating funding, or funding mechanisms, to support projects that protect and sustain land use compatibility near military installations (Figure 2).

Examples of State Policy Approaches
The following are examples of legislation creating funding to purchase property or development rights:

- Arizona established a military installation fund in 2004 for military installation preservation and enhancement projects.
Florida enacted the Florida Forever Act in 1999, a 10-year, $3 billion program to acquire valuable conservation land, including land adjacent to or near military installations.

Florida Statutes §259.105
☆ Florida H.B. 7207 of 2011 requires future land use plans by local governments to include criteria to be used to achieve the compatibility of lands adjacent or closely proximate to military installations. Any local government that amended its comprehensive plan to address military installation compatibility requirements after 2004 and was found in compliance is considered to be deemed in compliance until the local government conducts its evaluation and appraisal review and determines that amendments are necessary to meet updated statutory requirements. Allows comprehensive plans to be reviewed by the commanding officer of any affected military installation.

Indiana S.B. 248 of 2011 expands the powers of the state armory board by allowing the state armory board to purchase real estate throughout the state for military purposes beyond providing armories. The measure also allows the state armory board to erect “other appropriate structures” that are not armories for the purpose of meetings and drills.

Oklahoma enacted the Oklahoma Military Base Protection Grant Program in 2006 that provides matching grants to local communities.
☆ http://webserver1.lsb.state.ok.us/2005-06bills/SB/SB1675_ENR.RTF

Texas voters overwhelmingly approved Proposition 20 in 2003, which authorizes state agencies to appropriate up to $250 million in general obligation bonds or notes to provide loans to defense-related communities, for economic development projects, including ones that enhance the military value of military installations.
☆ http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.431.htm
☆ http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.436.htm
☆ http://www.statutes.legis.state.tx.us/Docs/LG/htm/LG.501.htm#501.104

Virginia H.B. 1725 of 2011 establishes the Virginia Farmland Preservation Fund to consist of funds as may be appropriated by the General Assembly and any other moneys that may be made available from other public or private sources. The funds will be used solely for the purposes of preserving farmland in the Commonwealth and will be administered by the Department of Agriculture and Consumer Services.

Virginia S.B. 979 of 2011 provides for a tax credit equal to 50% of the fair market value of land conveyed for the purpose of agricultural and forest use, open space, natural resource, and/or biodiversity conservation, or land, agricultural, watershed and/or historic preservation, as an unconditional donation by the landowner to a public or private conservation agency eligible to hold such land interests for conservation or preservation purposes.
Issue

Indiscriminate development near or around military installations can significantly impede the mission of the base, installation, and operating and training areas. Local planning and zoning ordinances can be effective tools in resolving land use issues.

Recognizing military installations as “critical” state areas can help avoid possible land use conflicts. Certain uses near installations can affect the military’s test and training mission by causing:

★ Interference with air routes and communications by cell towers, wind turbines, power lines and other structures.

★ Competition for, and interference with, data and communication frequencies.

★ Displacement of threatened and endangered species to the remaining open space, including military ranges.

★ Need to alter training and testing due to residential neighbors’ concerns about noise.

★ Rapid depletion of critical ground or surface water supplies, water treatment capacity, and other necessary resources.

★ More air emissions in areas that may have finite air emission thresholds.

Policy Options

State policy that coordinates land use planning and increases communication and collaboration between the military and the neighboring communities can help ensure the sustainability of both the community and the installation. These policies also can help recognize the vital interest of the installations to the state’s economic well-being and national security. Other policy options include requirements to designate or ensure compatible land use boundaries around the military installation or operating areas (without impeding activities on private property).

Current Status

Currently, 23 states have laws, regulations, or policies that provide buffers around ranges and installations from surrounding growth and that balance environmental mandates with military readiness imperatives (Figure 3).
Examples of State Policy Approaches
The following are examples of legislation with innovative compatible land use elements:

★ Arizona passed a series of laws from 2001 to 2007 that require compatible land use around the state’s four military airports by enforcing planning, zoning, and noise requirements.
☆ http://www.azleg.state.az.us/ArizonaRevisedStatutes.asp?Title=28
☆ http://www.azleg.state.az.us/ars/28/08480.htm
☆ http://www.azleg.state.az.us/ars/28/08481.htm
☆ http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/ars/28/08482.htm&Title=28&DocType=ARS
☆ http://www.azleg.state.az.us/legtext/46leg/2r/bills/hb2662s.pdf

★ Arizona S.B. 1001 of 2012 provides that state land may be exchanged for public land for various reasons including protecting military facilities.

★ In Florida, the Local Government Comprehensive Planning and Land Development Regulation Act requires local governments to adopt comprehensive plans that guide future growth and development and take into account military installations.

★ Kansas passed a law in 2010 that promotes better communication between local governments and military installations regarding land use and planning.

★ Texas H.B. 282 of 2011 requires the Adjutant General, before granting or conveying an interest in real property, to conduct an analysis evaluating whether each unit of the state military forces has adequate facility space to ensure that ongoing operations are maintained.
☆ H.B. 282 of 2011: http://www.legis.state.tx.us/tlodocs/82R/billtext/pdf/HB00282F.pdf#navpanes=0

★ Utah S.B. 293 of 2011 allows a Military Installation Development Authority (MIDA) to petition for annexation of a project area as if it was the sole private property owner if the area to be annexed is entirely contained within the boundaries of a military installation.

★ Virginia requires local governments to “reasonably protect” military installations within their zoning ordinances.
☆ http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+15.2-2223
☆ http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+15.2-2283
☆ http://leg1.state.va.us/cgi-bin/legp504.exe?061+ful+CHAP0328
☆ http://leg1.state.va.us/cgi-bin/legp504.exe?081+ful+CHAP0653

★ Washington requires that local government comprehensive plans, development regulations, or amendments “should not allow development in the vicinity of a military installation that is incompatible with the installation’s ability to carry out its mission requirements.”
☆ http://apps.leg.wa.gov/RCW/default.aspx?cite=36.70A.530
Issue
As urban populations move closer to military installations, community, commercial, and residential night lighting — illuminating both ground areas as well as the night sky — can interfere with nighttime military training. A significant amount of military training is now conducted during the evening hours, giving the U.S. military an advantage over its global adversaries. So-called “light pollution” interferes with the military’s nighttime vision and navigation technologies and landing field training. Policymakers are now recognizing that excessive light pollution also drains energy resources, disrupts wildlife, and eclipses the nighttime sky from view.

Policy Options
State legislatures have enacted a number of policies in recent years to mitigate the affects of light pollution. These policies are commonly referred to as “dark skies” requirements. The most common form of dark skies legislation requires the installation of cut-off light structures — or lights that are shielded — so light is only emitted downward. Other measures have included: the use of low-glare or low-wattage lighting, installation of fully-shielded landscaping and security lighting, and the incorporation of IES (Illuminating Engineering Society) guidelines into state regulations.

Current Status
Currently, 15 state legislatures have “dark skies” requirements that mandate or provide incentive for selecting and installing lighting that minimizes light pollution (Figure 4).
Examples of State Policy Approaches
The following are examples of legislation with light pollution or dark skies requirements:

★ Arizona requires all outdoor light fixtures to be at least partially shielded except incandescent fixtures of 150 watts or less, and other sources of 70 watts or less.
☆ http://azleg.gov/FormatDocument.asp?inDoc=/ars/49/01102.htm&Title=49&DocType=ARS

★ Arkansas requires public outdoor lighting fixtures to be shielded.

★ Colorado established criteria for new outdoor lights installed using state funds.
☆ http://www.michie.com/colorado/lpExt.dll?f=templates&eMail=Y&fn=main-h.htm&cp=cocode/2/3b54c/43cf6/43cf8/43eab/43ebe

★ Texas allows the county, at the request of a U.S. military installation, to adopt orders regulating the installment and use of outdoor lighting within five miles of the installation.
☆ http://www.capitol.state.tx.us/tldocs/81R/billtext/pdf/HB01013S.pdf
**Issue**

Military testing and training, by its very nature, can be loud and dusty. So, military installations were intentionally built in remote areas. Over the years, however, civilian populations have moved closer to these once remote installations, increasing the nuisance to neighbors.

Significant noise disturbances, dust, potential harmful air emissions, and increased traffic are just some of the possible issues that can disturb residential and commercial developments near installations.

**Policy Options**

In order to ensure compatible development and lessen tensions between the military and its neighbors, some states now require real estate disclosures. These policies inform future homeowners, renters, and businesses about moving into areas with military installations that may not be well-suited for their purposes, and to relieve future tensions over incompatible development or occupancy.

**Current Status**

Currently, nine states require “full mission profile” disclosures to inform potential purchasers or lessees about the possible negative impacts of neighboring military activities (Figure 5).

---

*Figure 5 States with Legislation Requiring Real Estate Disclosure*
Examples of State Policy Approaches

The following are examples of legislation with real estate or neighboring property disclosure requirements:

- Arizona requires documentation and posting maps on the Department of Real Estate website.
  - [http://www.azleg.state.az.us/ars/28/08483.htm](http://www.azleg.state.az.us/ars/28/08483.htm)

- California requires the “disclosure of former ordnance locations” for residential real property.
  - California Disclosure requirement: [http://www.dre.ca.gov/pub_disclosures.html](http://www.dre.ca.gov/pub_disclosures.html)

- Virginia requires disclosure for residential property and rental buildings.
  - [http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+55-519.1](http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+55-519.1)
  - [http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+55-248.12C1](http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+55-248.12C1)
Issue
The United States has the most highly trained military in the world, sustained by individuals who have skill sets with enormous breadth and depth because of their military education and experience. However, national unemployment rates for veterans serving post-9/11 is higher than the national average; over the next five years, nearly one million additional veterans will transition into civilian life.

Military education, training, and experience are not always recognized by state licensing agencies or by the organizations that administer the related certifications or exams, making it difficult for separated service members and veterans to qualify for the credentials they need for professional positions. Challenges include inconsistent state licensing laws, a lack of understanding about how military training and experience translates into licensing and academic credits and absence of common standards for service credentialing programs. Many state licensing agencies and educational institutions simply do not, or cannot, assess military training and experience.

Policy Options
The Department of Defense, in conjunction with the Obama Administration, launched its Military Credentialing and Licensing initiative in February 2013 to work more closely with states and industry leaders to assist state governments in translating military training and experience into credit towards professional licensure, especially in targeted healthcare, transportation industries, clean energy, advanced manufacturing and information technology industries. Since the beginning of the 2013 session, nearly 100 bills have been introduced in almost 40 states that:

- Explicitly authorize state professional licensing boards to recognize equivalent military training and experience toward professional licensing qualifications will help ease the transition of veterans into skilled civilian jobs with real career potential.
- Evaluate the military education, training and experience of separating Service members to identify that which is essentially equivalent to their occupational licensing requirements;
- Allow separating Service members remaining in that state to transfer a current license from another state through endorsement or temporary licensing; and
- Allow deactivating Reserve Component members to practice in the state of origin for a temporary period with a license that would have otherwise expired while on active duty.

Figure 6 States with Legislation Removing Licensure Impediments for Service Members Leaving the Military

As of March 31, 2013
Additionally, the American Council on Education (ACE) provides college credit recommendations for the learning experiences, which are published in the ACE Guide to the Evaluation of Educational Experiences in the Armed Services. This document provides the mechanism, but it is not a requirement for academic institutions to accept military training and experience. Likewise, states can establish requirements for academic institutions to grant separating Service members appropriate credit towards degree and certificate requirements for education, training and experience gained in the military.

**Current Status**
Currently, over 20 states have laws authorizing state licensure boards to accept military education, experience and training toward occupational licensure.

**Examples of State Policy Approaches**
- For states that can cover multiple occupations within one statutory statement, Colorado enacted HB 1100 (2011) requires the director and each of the licensing boards to establish rules to accept other support information other than recent work experience as evidence of competency.

- North Carolina enacted HB 799 (2012) explicitly authorizes occupational licensing boards to recognize equivalent military training and experience as satisfying professional licensing, certification or registration qualifications. Additionally, the law allows veterans and military spouses to more easily transfer their equivalent certifications and licenses to North Carolina from other jurisdictions, and to be issued temporary certifications and licenses while they are working to satisfy competency requirements or other licensing board qualifications.

- Maryland enacted S.B.273 and H.B.225 (2013) require state licensing boards to credit separated service members and veterans and their spouses for relevant military education, experience and training toward issuance of a professional certification or license. The laws also require the State Emergency Medical Services (EMS) Board to credit military training and education completed by separated service members and veterans to assist with LPN and EMT licensure requirements. Additionally, the laws require the state to develop and adopt guidelines on awarding academic credit for a student’s military training, coursework, and education and allow the Department of Labor, Licensing and Regulation (DLLR) to waive licensing requirements for veterans and spouses seeking license as a mortgage loan originator.
  - [http://mgaleg.maryland.gov/2013RS/Chapters_noln/CH_155_hb0225e.pdf](http://mgaleg.maryland.gov/2013RS/Chapters_noln/CH_155_hb0225e.pdf)

- For states that require separate statements for each occupation covered by the change, Washington HB 1418 (2011) modifies the statutory chapters of 21 commercial occupations, and SB 5307 (2011) modifies the statutory chapters of 14 healthcare-related occupations.

- Kansas enacted H.B. 2078 (2013) authorizes professional state licensing boards to accept substantially equivalent military education, training or service toward any educational requirements for professional certification or licensure. The law allows for a temporary professional license in instances where an existing license is not equivalent, while the applicant completes requirements for licensure. The law addresses LPN and EMS Attendant Certification (EMT) licensure for separated service members and veterans.

- Tennessee HB 968 (2011) mandates expedited endorsement for military spouse applicants who hold a valid license from another state, and provides a temporary license as an option in the event the applicant does not meet all of Tennessee’s licensure requirements.

- Kentucky HB 301 (2011) provides for an automatic extension until deactivation plus a period of time after service is completed.
  - [http://www.lrc.ky.gov/KRS/012-00/355.PDF](http://www.lrc.ky.gov/KRS/012-00/355.PDF)
Issue
Employment for military spouses plays a key role in the financial and personal well-being of military families, and their job satisfaction is an important component in the retention decision of Service members. As a result of military assignment, military families are ten times more likely to move across state lines than their civilian counterparts; consequently military spouses have a need to reenter the workforce quickly to continue career progression. This is more difficult for the 35 percent of working military spouses who require a state license to practice their occupations.

Policy Options
The DoD has worked with state governments to find solutions that will allow their licensure boards to expedite the licensure process for military spouses without degrading the occupational standards of the state. Since most states license approximately 70 occupations with independently determined licensing standards, DoD sought options that could be applied to groups of occupations, such as allied health care.

Through collaboration with state legislators and regulators, DoD developed initiatives around three options that can expedite the transfer of licenses for military spouses: (1) licensure through endorsement, (2) temporary licensure, and (3) establishing processes that can expedite the approval of qualifying licenses. DoD informs legislators of licensing barriers and the options that can rectify these barriers, and then shares best practices from those states that have enacted legislation.

Current Status
Thirty-two states have enacted legislation supporting expedited endorsements, access to temporary licenses or both for the majority of licensed occupations. Teachers and attorneys are the primary exclusion to the legislation enacted.

Figure 7 States with expedited processes for licensure by endorsement, temporary licensure, or both

- Enacted legislation
- Legislation considered in 2013
- No legislation activity on initiatives

As of March 31, 2013
Examples of State Policy Approaches

★ Colorado HB 1175 (2010) allows applicants the option of showing minimum recent employment in the occupation, or fulfilling proficiency requirements in the occupation as determined by each individual board.
★ [http://www.state.co.us/gov_dir/leg_dir/olls/sl2010a/sl_46.htm](http://www.state.co.us/gov_dir/leg_dir/olls/sl2010a/sl_46.htm)

★ The Colorado Department of Regulatory Authority has an agreement with the boards it oversees to process applications with no gaps or discrepancies. The questionable ones, such as those with an outstanding investigation, go to the board.

★ North Carolina HB 799, Section 1 (2012), allows boards to accept other demonstrations of competency, along with expanding the definition of applicable experience.

★ Tennessee HB 968 (2011) mandates expedited endorsement for applicants who hold a valid license from another state, and provides a temporary license as an option in the event the applicant does not meet all Tennessee’s requirements.

★ Colorado HB 1059 allows military spouses to work temporarily in the new state with a current license from another state.

★ Montana HB 94 (2011) provides the basis for boards to provide expedited endorsement or temporary licenses for applicants, based on their affirmation that their applications are accurate and that they have requested the necessary validating documentation.
★ [http://data opi mt gov bills 2011 billhtml HB0094 htm](http://data opi mt gov bills 2011 billhtml HB0094 htm)

★ Utah HB 384 58-1-307 (2011) provides an exemption from requiring a Utah license during the time the military spouse resides in Utah as part of a military assignment.
Issue
Rand Corporation reported as of 2008, 31% of the 1.8 million Service members who have served in Iraq and Afghanistan have a service-related mental health condition or traumatic brain injury (TBI). Additionally, a 2002 U.S. Department of Justice report indicated that Veterans comprise 9.3% of all persons incarcerated: 70% were in jail for non-violent offenses; 82% of Veterans in jail were eligible for Veterans Affairs (VA) services (65% honorably discharged and 17% general discharge with honorable conditions); and 18% of jailed Veterans had been homeless. The Veterans Treatment Court (VTC) is an innovative, effective means for Veterans with mental health and/or substance addiction, to obtain treatment and services to resolve outstanding criminal offenses and stabilize their lives. VTCs show great promise to help these Service members transition back to their communities and families in a healthful and productive manner.

Policy Options
Many states have established VTCs through judicial authority without legislation. However, where legislation has been enacted, the most beneficial has applied few restrictions and has advocated for the following:

- Focus is on treatment:
  - Coordinate with state and Federal VA, veteran service organizations, community-based service providers, and local agencies to assess the needs of and provide Veterans with appropriate housing, treatment, services, job training, and benefits;
  - Include mentoring sessions with other Veterans; and
  - Provide the potential of having all qualifying charges reduced or dismissed, including where appropriate, more serious charges as an incentive to complete treatment.

Figure 8 States with VTCs or policy/statute supporting the development of VTCs

As of March 31, 2013
Selection is open to the extent possible:
☆ Open to Veterans and members of the Military Services: Active Duty, Guard and Reserve;
☆ Not limited to just Veterans/Service members who have had combat experience;
☆ Based on criteria that prudently consider service discharge and prohibited offenses to optimize treatment opportunity for the Veteran, as well as ensure the safety of the Veteran’s family and the community; and
☆ Selected by a team of court members including prosecuting and defense attorneys.

State court system makes VTCs as accessible as possible to Veterans:
☆ Have overarching statute or court policy that encourages jurisdictions to establish VTCs;
☆ Have courts or plans for courts that cover major metropolitan centers; and/or
☆ Allows cross jurisdictional authority to maximize opportunities for Veterans to participate and to take full advantage of available treatment services.

Current Status
Thirty-four states have courts or overarching policy to support court implementation. Court systems have assimilated the characteristics listed above to varying degree.

Examples of State Policy Approaches
☆ Illinois HB 5214, Section 30 (2010) specifies VTCs coordinate with state and Federal VA, veteran service organizations, community-based service providers, and local agencies.
☆ Michigan HB 5162, Section 1207 (2012) provides for mentorship, among other support to emphasize treatment
☆ Illinois HB 5214, Section 35 (2010) allows the court to reduce or dismiss all qualifying charges as an incentive to complete the treatment
☆ Illinois HB 5214, Section 5 (2010) provides a statement concerning broad eligibility
☆ Oregon SB 999 provides a succinct list of criminal infractions that would preclude an individual from participation
☆ Michigan HB 5162, Section 1201 (2012) provides cross jurisdictional authority to maximize opportunities
☆ Maine LD 1698 provides the Chief Justice broad authority
The demand for quality child care by military families outpaces DoD’s ability to provide these services on military installations. Having quality child care available in military communities is an important asset that supports the readiness of Service members, both active and reserve, to be able to respond to the demands of the military mission and equally supports military spouses in being able to fulfill their career aspirations. DoD has supported military families accessing child care on military installations by charging fees based on overall family income. DoD recognizes that some military families may need to receive subsidies to access child care off of the installation that meets commensurate standards. DoD has established a pilot program in 13 states to work with state agencies to crosswalk the DoD evaluation standards for child care with the state’s evaluation standards, with the potential outcome that military families will be able to receive subsidies when using these state certified child care facilities.

DoD recognizes that the standards of primary importance are those providing for the health and safety of children. The majority of these standards are embedded in policy; however, two standards that may require legislation are required background checks and implementation of annual inspections of the standards.

State and Federal agencies generally require background checks for child care providers, but vary in frequency and type. For center staff, currently 30 States (and DC) use fingerprints to conduct an FBI criminal records check and 28 States use fingerprints to conduct a State criminal records check. Ten States require centers to use fingerprints to check State and Federal criminal records, the child abuse and neglect registry and the sex offender registry. DoD is asking states to consistently require family- and center-based care programs to subject all individuals with regular contact with children to name and fingerprint check of Federal

Figure 9 States pilot programs, statute supporting annual inspections and statute supporting fingerprint background checks

As of March 31, 2013
and State criminal history records; State child abuse & neglect registries (there is no national registry for child abuse & neglect); and State sex offender registries.

Inspections of family- and center-based child care programs can mitigate risk to children, and studies have shown that annual inspections create safer environments for children. For example, a study conducted in the state of Washington found that increasing the number of licensing inspection visits increased provider compliance with health and safety standards. Efficient implementation of inspections is essential to creating a sustainable approach. Several states are developing a key indicator model for inspections. This strategy allows staff to conduct an abbreviated inspection using a subset of rules that has been statistically shown to predict compliance or noncompliance with all rules. DoD is asking states to require at least annual, unannounced inspections and is advocating states consider risk-based approaches to reduce costs.

**Current Status**

Twenty five states currently fulfill the minimum desired background checks for center-based and family based care (where family based care is licensed for a minimum of one child). Minimum check includes fingerprint check of the Federal and State databases and a name-based review of criminal history records. Twenty-eight states conduct annual inspections of both center- and family-based care.

**Examples of State Policy Approaches**

- State of Arizona, Senate Fiftieth Legislature, Second Regular Session, 2012, SENATE BILL 1136
  - [https://www.azdes.gov/uploadedFiles/Office_of_Procurement_and_Administrative_Counsel_(OPAC)/Senate_Bill_1136.pdf](https://www.azdes.gov/uploadedFiles/Office_of_Procurement_and_Administrative_Counsel_(OPAC)/Senate_Bill_1136.pdf)
- California Title 22, Division 12, Article 3. APPLICATION PROCEDURES (2005) 101170.2 CHILD ABUSE CENTRAL INDEX 101170.2
- Colorado 7.701 General Rules for Child Care Facilities
  - 7.701.33 Criminal Record Check [Rev. eff. 8/10/11]
- Idaho 16.05.06—Criminal History and Background Checks
In-State Tuition for Separating Service Members

**Issue**
The post 9/11 GI Bill only pays in-state tuition and eligible fees. Veterans who settle in states other than their state of residence upon separating from the Service are initially charged “out-of-state” tuition, which means they must pay the difference between the resident and non-resident charges. “Out-of-State” or non-resident tuition is often 2 to 3 times that of “in-state” tuition.

By far the largest group of GI Bill recipients is Veterans. State policies have adjusted in the last decade to allow active and reserve members to access in-state tuition rates, but separating Service members (new Veterans) must fulfill established residency time requirements to obtain the same.

The Yellow Ribbon Program, included in the post 9/11 GI Bill, supplements costs above the “in-state” tuition rate by matching contributions made by an institution of higher learning (IHL) towards veterans education. Institutions (vice states) enter these agreements, and the IHLs determine the amount of the contribution, the number of veterans supported, the degree programs covered and the duration of the program. Yellow Ribbon Program contributions are provided at the discretion of the IHL and may not be available to all Veterans.

**Policy Options**
Waiving the time requirement for residency (provided separating Service members are completing the remaining steps to establish residency) allows them to attend the first year at a state school within the amount paid through the GI Bill. States can maintain other proof of residency requirements to show that the Veteran intends to remain in the state (driver’s license, voting, taxes, establishing a domicile, etc).

States can eliminate any loss of revenue to state institutions by designating that new Veterans have the opportunity to compete for existing “in-state” tuition slots, as opposed to the institution giving up an “out of state” admission for such purposes. Veterans would not be guaranteed admission, but would have to “compete” for entrance like anyone else.

---

**Figure 10** States with waivers to residency requirements for veterans in order to pay in-state tuition rates

[Map of the United States indicating states that waive or do not waive first year residency requirements for tuition purposes.]

- **Waives first year residency for tuition purposes**
- **Does not waive first year residency**

As of March 31, 2013
Current Status
Twenty states currently waive the first year residency requirement for new veterans for the purposes of in-state tuition.

Examples of State Policy Approaches
Arizona established statute in section 15-1802 that recognizes honorably discharged Service members: (Excerpt from Section G)

G. Beginning in the fall semester of 2011, a person who is honorably discharged from the armed forces of the United States shall be granted immediate classification as an in state student on honorable discharge from the armed forces and, while in continuous attendance toward the degree for which currently enrolled, does not lose in state student classification if the person has met all of the following requirements:

1. Registered to vote in this state.
2. Demonstrated objective evidence of intent to be a resident of Arizona which, for the purposes of this section, includes at least one of the following:
   (a) An Arizona driver license.
   (b) Arizona motor vehicle registration.
   (c) Employment history in Arizona.
   (d) Transfer of major banking services to Arizona.
   (e) Change of permanent address on all pertinent records.
   (f) Other materials of whatever kind or source relevant to domicile or residency status.

South Dakota similarly recognizes Veterans (as further defined in their statute):

13-53-29.1. Veterans exempt from twelve-month residency requirement. Any person who is a veteran as defined by §§ 33A-2-1 and 33A-2-2 shall be classified as a resident student without meeting the twelve-month residency requirement within South Dakota pursuant to § 13-53-24.
Issue
Many Service members divorced or separated from a non-military spouse have child custody or visitation rights. But absences due to military service can undermine and disrupt existing arrangements, creating stress on parents and children. In many cases, state laws do not consider the unique aspects of military service when making custody determinations.

Although the DoD believes the welfare of the child is paramount, it also believes that absence due to military service should never be the sole basis for loss of custody or diminished visitation rights even though the effects of such absences could be a consideration.

Policy Options
Protections should include the following criteria:

- **Past, current, or possible future absences due to military service should not be the sole basis for altering a custody order in place before the absence.**

- **No permanent orders** changing custody arrangements should be entered while the custodial parent is unavailable due to military service.

- The custody order in place before the absence of a military parent should be **reinstated within a set time** upon the return of the military parent, unless there is proof that the best interests of the child would be undermined. The non-absent parent should bear the burden of proof.

- A Service member with **visitation** rights should be allowed to petition the court to allow those visitation rights be delegated to a qualified third party during the service member’s military absence.

Additionally, states should:

- Allow expedited hearings upon the request of a Service member.

- Let the court use electronic testimony when the Service member is unavailable.

Figure 11 States with custody/visitation statutes that do not penalize military parents because of deployment requirements
**Current Status**
Currently 41 states have provisions to ensure deployments are not considered as the sole reason for custody decisions. Of these states, 36 also include provisions to ensure that custody decisions made as a result of a deployment are not permanent and/or the temporary custody order reverts back to the previous circumstances within a set time. Of these states, 26 include provisions covering delegation of visitation rights.

**Examples of State Policy Approaches**
The following are examples of comprehensive legislation addressing the above substantive and procedural protections:

- Vermont enacted “an act relating to military parents’ rights,” in 2010.
- Alaska enacted a law “establishing child custody, modification, and visitation standards for a military parent,” in 2010.
  - [http://www.legis.state.ak.us/basis/get_bill_text.asp?hsid=HB0334Z&session=26](http://www.legis.state.ak.us/basis/get_bill_text.asp?hsid=HB0334Z&session=26)
  - [http://www.legis.state.la.us/billdata/streamdocument.asp?did=722567](http://www.legis.state.la.us/billdata/streamdocument.asp?did=722567)
State Support for Military Testing, Training and Mission Sustainability

Two other recently enacted statutes deserve special mention in the State Policy Options report. California enacted S.B. 1409 of 2012 and Hawaii enacted H.B. 2410 both address defense community sustainability and collaboration from a holistic perspective and are examples of the evolution of cooperation between the states and the military assets and installations they host. Close collaboration between the state, neighboring communities and the military in preparing for mission growth can safeguard sustainability through change, especially as the military draws down and returns soldiers, sailors, airmen and Marines back to defense communities after two foreign wars.

Both laws speak to the value of communication and cooperation of defense communities as the installations they host face changing missions and as the Department of Defense reorganizes its infrastructure to become more efficient and adjust to a changing national security environment. Both laws also directly engage the state into the relationship with the military. California through its office of Office of Planning and Research; Hawaii through a Memorandum of Understanding with the Governor. California’s law is far more narrow in scope, focused on carefully coordinating state compatible land use, energy and environmental issues with mission sustainability. Hawaii’s law addresses cooperation on a range of military issues, from sustaining and expansion of the military presence in the state to strengthening the relationship between the community, installation, veteran and their families.

- California S.B. 1409 of 2012 requires the Office of Planning and Research to identify those state agencies that develop and implement state energy and environmental policies that directly impact on the United States Department of Defense’s energy security and military mission goals. Requires OPR to serve as a liaison to coordinate effective inclusion of the United States Department of Defense in the development and implementation of state energy and environmental policy.

- Hawaii HB 2410 of 2012 requires the Governor to enter into a Memorandum of Understanding (MOU) with the military intended to solidify the cooperative relationship between Hawaii and DoD. The bill expresses support for continued military (-related) job creation, construction, procurement and other spending and investment. The MOU provision is intended to address 10 major areas of collaboration between Hawaii and the DoD:
  1. Retaining or expanding military bases, including research, development, testing and evaluation, and training areas in the state;
  2. Limiting the development of areas adjacent to military bases and training areas to ensure land uses that are compatible with base activities and that sustain military readiness;
  3. Facilitating affordable housing located near military bases for military personnel and their families;
  4. Offering recreational programs, facilities, and promotions for military personnel and their families;
  5. Identifying civil obligations that may be postponed to accommodate deployed military personnel;
  6. Supporting families dealing with military deployments;
  7. Providing workforce training opportunities for military personnel to advance their careers and pursue education;
  8. Exploring the feasibility of granting credit for military training toward civilian credentialing and licensing for certain trades;
  9. Encouraging the hiring of military spouses; and
  10. Promoting awareness, education, and appreciation for military operations in the state.
This page intentionally blank.