Policy Options
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DoD – Key State-Level Service/Family Member Issues

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10 Key QoL Issues (2010)

- Increase key support for Guard and Reserve members and their families (Best Practices)
- Ensure deployment separation does not determine child custody decisions
- Increase access to quality, affordable childcare for military families
- Minimize school disruption for military children during transition and deployment
- Enhance opportunities for portable careers for military spouses
- Expand unemployment compensation for trailing military spouses
- Promote enforcement of the predatory lending regulation
- Improve absentee voting for military members and their families
- Comport state laws with DoD rules on disposition
- Enhance foreign language capability through ‘Centers of Influence’
Issue

• Conservation and open space partnering with the state, local governments and non-governmental entities has proven to be an effective way to acquire real property interests from willing sellers adjacent to or near military installations to ensure installation and range sustainability.

• The acquisition of property frequently allows it to remain in an undeveloped state under control of the authority, thereby reducing incompatible land use issues.

• It also preserves off-installation habitat to relieve current or avoid future environmental restrictions on operations.
Funding to Purchase Property or Development Rights

Desired Outcome

- Any funding, or funding mechanisms, that make available monies to support military sustainability by facilitating “buffering,” conservation easements and transfers, land purchases or purchases of development rights to properties neighboring, or within the military operating area of, military installations
States Addressing Funding to Purchase Property or Development Rights

Current Status
Twelve (12) states have enacted laws creating funding to purchase property or development rights.
Child Custody/Visitation Impact on Service Members

**Issue:** Extended separations due to military service necessarily alter short-term custody/visitation arrangements which can have long-term impacts

**Goal:** State legislatures appropriately balance the interests of SMs who are absent due to military service with the best interests of the child:

- No permanent orders while the custodial parent is unavailable due to military service.
- Past, current or possible future absences due to military service should not serve as the sole basis.
- Custody order in place before the absence should be reinstated upon the return, absent proof best interests of the child would be undermined. The non-absent parent should bear the burden of proof.
- Allow service member to petition the court to allow existing visitation rights to be delegated to a third person during the service member's absence.
- Allow expedited hearings upon the request of a service member
- Let the court use electronic testimony when the service member is unavailable.

**Status:** 37 States have addressed child custody and/or visitation concerns

**Best Practice Legislation:** AK HB334, VT H533, WA HB1170
Communication or Notification to Installation

Issue:

• State governments have control in the land development process, but to a different extent. They frequently establish the enabling legislative framework for how local governments conduct land use planning; regional planning authorities have responsibilities for transportation planning processes and sometimes water and sewer planning.

• The military can frequently get lost in the process and unintentionally left out of the planning participation.

• From the public planning perspective, a plan is only as good as its ability to balance the competing interests involved.

• A complete understanding of the existing conditions is vital to community planning preparation and input from the military is critical.

• State and local participation processes should be used to explicitly integrate input from the military.
Desired Outcome:

- Laws, regulations or policies which require communication or notice be provided to installation commanders about development or zoning changes neighboring or near a military installation, or in military operating areas, or requirements for ex officio participation on state or local zoning or planning boards, establishment of formal communication processes between state and local government and the military and more robust consultation between state and local government and the military about neighboring development or changes regarding zoning.
Current Status:
Sixteen (16) states have enacted legislation addressing communication or notification to installation requirements.
Minimize School Disruption for Military Children during Transition and Deployment

**Issue:** Frequent moves = many schools with non-standard policies = Ed delays

**Goal:** States participate in an *interstate compact* providing a uniform policy to resolve challenges military children face moving between school systems

**Background:**
- 2006: DoD & Council of State Govs collaboration
  - Gathered input from 18 stakeholders
  - Provides procedural policies for enrollment, eligibility, placement, & graduation
- Adopting states established an Interstate Commission composed of one representative from each member state – oversee compliance

**Best practices and further legislative guidance:**
www.csg.org/programs/policyprograms/NCIC/interstatecommission_militarychildren.aspx

**Status:** 35 member states; covers 88% of our students
Real Estate or Neighboring Property Disclosure Requirements

Issue:

- Military testing and training, by its very nature, increases the hazards and nuisances to civilian communities residing on or around military installations.
- Significant noise disturbances, tactical aircraft and vehicle accidents, dust, potential air emissions and increased traffic can all impact residential communities neighboring the installation.
- Real estate disclosure can be used to inform potential buyers and renters of the possible affects from nearby military installations.
- This disclosure can be one of the most practical and cost effective land use compatibility tools.
Real Estate or Neighboring Property Disclosure Requirements

**Desired Outcome:**

- Laws, regulations or policies that require “full mission profile” disclosures to potential purchasers or lessees of property to be informed of all military impacts of neighboring military installations or activities in the military operations area, real estate disclosures about military activities prior to closing or – at minimum – disclosures about military activities at closing.
States Addressing Real Estate or Neighboring Property Disclosure Requirements

Current Status:
Seven (7) states have enacted legislation addressing real estate or neighboring property disclosure requirements.
Improve Absentee Voting for Military Members and their Families

**Issue:** Our Service members need assurance their vote can be successfully cast and will be counted

**Goal:** States enact flexible processes for absentee voters recommended by the Federal Voting Assistance Program (www.fvap.gov)

**Status:** There are eight desired enhancements

- 45-day ballot transit time
- Email and on-line transmission of voting materials
- Expanded use of Federal Write-in Absentee Ballot
- Participation with Uniform Law Commission
- Emergency auth. for State Chief Election Official
- Removal of notarization/witnessing requirements
- Late registration procedures
- Enfranchise citizens never residing in the U.S.

- FVAP prepares state by state analysis – identifying gaps and ‘best practice’ legislation
- Coordinated effort: FVAP works with the executive branch & we work with the legislative
Light Pollution or Dark Skies Requirements

Issue:

- Community, commercial and residential light sources that can cause unwanted spillover lighting and so-called light pollution that increases the background light in the night sky.
- This can have a tremendous impact on nighttime combat training and the use of night vision technologies.
- The nighttime testing and training requirements for each installation can differ remarkably, but each can be significantly impacted by unwanted light glare.
- At the local level, light and glare can be reduced through design and placement requirements in a zoning code, a stand-alone ordinance, and or specific development conditions.
Desired Outcome:

- Laws, regulations or polices that require the require or incentivize the selection and installation of low glare lighting, use of full cutoff or low-wattage luminaries, installation of fully-shielded landscaping and security lighting and incorporation of IES (Illuminating Engineering Society) guidelines into the state and local lighting regulations.
Current Status:
Fourteen (14) states have enacted laws addressing light pollution or Dark Skies requirements.
Promote Enforcement of the Predatory Lending Regulation

**Issue:** Some lending practices create cycle of debt for unsuspecting Service members and families

**Goal:**
- DoD Regulation (32 CFR Part 232) places 36% APR limit on payday, vehicle title and refund anticipation loans.
- States enforce federal law and apply state protections to non-resident military members

**Status:**
- Working with states to make modifications to their financial code to give regulators enforcement authority

**Best Practice Legislation:**
- DE SB 145, MT SB 54

31 States can fully enforce the reg; covers 60% of our members
Land Use Planning or Compatible Land Use Statutes

- Increased interference with air routes and communications through construction of cell towers, wind turbines, power lines, and other structures.
- Increased competition for, and interference with, data and communication frequencies.
- Displacement of threatened and endangered species to the remaining open space, including military ranges.
- Increased need to alter training and testing due to residential neighbors’ concerns about noise and safety.
- More rapid depletion of critical ground or surface water supplies, water treatment capacity, and other necessary resources.
- Increased air emissions in areas that may have finite air emission thresholds.
Desired Outcome:

- Laws, regulations or policies that pursue sustainable approaches to buffering ranges and installations from surrounding growth and balancing environmental mandates with readiness imperatives. A desirable state policy is one that coordinates land use planning and increases communication and collaboration between the military and the neighboring communities, to ensure the sustainability of both and recognize the vital interest of the installations to the state’s economic well being and national security. Other policies might also include requirements to designate or ensure compatible land use boundaries around the installation or military operating areas (but none of the requirements should impede activities on private property).
Current Status:
Twenty-two (22) states enacted legislation regarding land use planning.
Comport state laws with DoD rules on Disposition

**Issue:** Many states require disposition be determined through state-specific documentation or by the next of kin

**Background:** Section 564 of Public Law 109-163, effective January 2006, requires active duty SMs to designate a person authorized to direct disposition of human remains (PADD)…occurs on DD93 (Record of Emergency Data)

**Goal:** Have state statute recognize the PADD selected by the SM in accordance with Federal law

**Status:** States very supportive of this issue
- Some states concerned about limited choices allowed

**Best Practice Legislation:**
- AZ HB 2400, MD SB 408, MS SB 2418

19 States now recognize the DD93; covers 38% of our members
Military Commanders Council
- Includes installation leadership from throughout the state
- Addresses common issues of concern amongst installations
- Provides single point of contact and speaking platform from engaging local and state jurisdiction on issues and concerns

Governor’s Military Liaison
- Has access to Governor and resources
- Knowledge of military, local, region & state
- Willing to support military mission

Governor’s Military Advisory Council
- Meets regularly
- “Right” representation, state and military
- Focuses on multitude of sustainment and quality of life issues
Our goal is to partner with states to help our members and their families!