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 sustain their neighboring military installations and the associated testing and training operations. This State Policy Options report 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 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 and protecting natural resources and the health and safety of our citizens. 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 hiring and procurement preferences; 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  
Co-Chair, NCSL Military and Veterans Affairs Task Force

Representative John C. Grange, Kansas  
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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.

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 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.”
Funding to Purchase Property or Development Rights to Protect Compatible Land Uses

**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).

*Figure 2* States with Legislation Creating Funding to Purchase Property or Development Rights
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.ls.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.

- 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.
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/ArizonaRevisedStatutes.asp?Title=28)
  - [http://www.azleg.state.az.us/ars/28/08480.htm](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/ars/28/08481.htm)
  - [http://www.azleg.state.az.us/ars/28/08482.htm](http://www.azleg.state.az.us/ars/28/08482.htm)
  - [http://www.azleg.state.az.us/ars/28/08483.htm](http://www.azleg.state.az.us/ars/28/08483.htm)

- 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.

  - [http://www.legis.state.tx.us/tlodocs/82R/billtext/pdf/HB00282F.pdf#navpanes=0](http://www.legis.state.tx.us/tlodocs/82R/billtext/pdf/HB00282F.pdf#navpanes=0)

- 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.


- 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?100+cod+15.2-2223](http://leg1.state.va.us/cgi-bin/legp504.exe?100+cod+15.2-2223)

  - [http://leg1.state.va.us/cgi-bin/legp504.exe?100+cod+15.2-2283](http://leg1.state.va.us/cgi-bin/legp504.exe?100+cod+15.2-2283)

  - [http://leg1.state.va.us/cgi-bin/legp504.exe?101+ful+CHAP0328](http://leg1.state.va.us/cgi-bin/legp504.exe?101+ful+CHAP0328)

  - [http://leg1.state.va.us/cgi-bin/legp504.exe?1081+ful+CHAP0653](http://leg1.state.va.us/cgi-bin/legp504.exe?1081+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.”

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, 14 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.

- 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/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.
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, eight states require “full mission profile” disclosures to inform potential purchasers or lessees about the possible negative impacts of neighboring military activities (Figure 5).
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/32/02113.htm
  http://www.azleg.state.az.us/ars/32/02114.htm
  http://www.azleg.state.az.us/ars/32/02115.htm
  http://www.azleg.state.az.us/ars/28/08484.htm
  http://www.azleg.state.az.us/ars/32/02114-01.htm

- California requires the “disclosure of former ordnance locations” for residential real property.

  California Disclosure requirement: 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+55-248.12C1
Issue
Military personnel stationed overseas or away from home need to be able to vote. Unfortunately, voting can be quite a challenge due to the many federal, state, and local regulations that can delay receipt and processing of both their registration forms and absentee ballots. By improving the absentee voting process, states can help ensure that the military’s ballots are counted.

Policy Options
The Federal Voting Assistance Program (FVAP) recommends the Uniform Military and Overseas Voting Act (UMOVA), developed by the Uniform Law Commission, to cover essential voting needs of service members and citizens overseas. If a state does not accept UMOVA, FVAP has developed seven state-level voting initiatives that incorporate the major features of UMOVA. FVAP rates state absentee voting based on these seven initiatives:

- 45-day ballot transit time (30 percent of criteria).
- Email and online transmission of voting materials (30 percent of criteria).
- Expanded use of the federal write-in absentee ballot (20 percent of criteria).
- Emergency authority for state chief election official (7 percent of criteria).
- Late registration procedures (7 percent of criteria).
- Removal of notary and witness requirements (4 percent of criteria).
- Registration of citizens who have never resided in the United States (2 percent of criteria).

Current Status
FVAP maintains information on the states that have incorporated their seven voting initiatives, with weighted emphasis on the first three best practices. Currently, 23 states have laws that cover at least 75 percent of the criteria. Two of these states, North Dakota and Utah, have adopted the UMOVA legislation (Figure 6).

Figure 6 States with Legislation that Meet Most Absentee Voting Criteria

States that meet at least 75 percent of the Federal Voting Assistance Program’s criteria on absentee voting
Examples of State Policy Approaches

FVAP distributes letters to state officials annually (normally in the fall), which include the state Legislative Initiative score and outlines specific recommendations to consider, based on the seven best practices listed above. The latest letters are posted at http://fvap.gov/reference/laws/state-initiatives.html for reference. Officials at the FVAP office can be reached at 703-588-1584 for more information.

UMOVA was promulgated by the Uniform Law Commission in 2010, after more than two years of study and drafting. UMOVA is a uniform law drafted for consideration and adoption by state legislatures, to extend to state elections the assistance and protections currently found in federal law for military and overseas citizens who need to vote absentee. UMOVA simplifies and expands, in common sense fashion, the class of covered voters and covered elections found in federal law. The Act establishes reasonable, standard timetables for application, registration, and provision of absentee ballots and election information for covered voters – importantly, it applies the 45-day federal deadline for provision of materials to covered voters who have applied, to both federal and state elections. The Act establishes the timeframe in which an overseas ballot may be validly voted and submitted by the covered voter and received by state elections officials. UMOVA provides for the designation of a covered voter’s address in the event it would otherwise be unclear, expands the registration and voting usage of the Federal Post Card Application and Federal Write-In Absentee Ballot for state elections, and obviates nonessential requirements and other non-essential requirements where the proper declaration is made and subject to penalty of perjury.

For those states that have not adopted legislation to comply with the federal Military and Overseas Voter Empowerment (MOVE) Act, enactment of UMOVA will help significantly in bringing them into compliance with the federal requirements of amended Uniformed and Overseas Citizens Absentee Voting Act. For those states that have adopted legislation to align with the MOVE Act, UMOVA will extend those benefits and privileges for military and overseas citizens to state and local elections in compatible fashion with the federal requirements.

Additional information on UMOVA can be found at: http://www.nccusl.org/Act.aspx?title=Military%20and%20Overseas%20Voters%20Act
Issue
Military families face numerous challenges because of frequent moves and transfers, which can be especially hard on children. These children attend, on average, six to nine different schools from kindergarten to 12th grade. Maintaining consistency in education throughout these moves can be particularly difficult because education policy is set by individual states.

Policy Options
Beginning in 2008, state legislatures began ratifying the Interstate Compact on Educational Opportunity for Military Children. The Compact seeks to bring consistency and coordination among the states by addressing eligibility, enrollment, placement, and graduation requirements.

Current Status
Currently, 39 states have adopted the Compact and joined the Military Interstate Children’s Compact Commission (Figure 7).

Examples of State Policy Approaches

Enrollment
- Educational Records — the Compact provides that schools must share records in a timely manner in order to expedite the proper enrollment and placement of students. The sending school must provide an unofficial copy that may be hand carried to the school and has 10 days to provide the official record to the receiving school, once they have been requested.
- Immunizations — the Compact provides for specific timelines, in this case 30 days from the date of enrollment, for students to obtain required immunizations in the receiving state.
- Age of Enrollment/Course Continuation — the Compact requires a student be allowed to continue their enrollment at grade level in the receiving state commensurate with their grade level from the sending state regardless of age requirements. Further, the Compact allows for such continuity of enrollment when a student has completed kindergarten and is ready for enrollment in first grade.

Eligibility
- Power of Attorney — special power of attorney, relative to the guardianship of a child of a military family and executed under applicable law shall be sufficient for the purposes of enrollment and all other actions requiring parental participation and consent.
Tuition — a local education agency shall be prohibited from charging local tuition to a military child placed in the care of a non-custodial parent or other person standing *in loco parentis* who lives in a jurisdiction other than that of the custodial parent.

Non-Custodial Parents — a military child, placed in the care of a non-custodial parent or other person standing *in loco parentis* who lives in a jurisdiction other than that of the custodial parent, may continue to attend the school in which he or she was enrolled while residing with the custodial parent.

Extracurricular Activities — state and local education agencies shall facilitate the opportunity for military children’s inclusion in extracurricular activities to the extent they are otherwise qualified.

Placement

Course Placement/Educational Program Placement — when the student transfers before or during the school year, the receiving state school shall initially honor placement of the student in educational courses based on the student’s enrollment in the sending state school and/or educational assessments conducted at the school in the sending state if the courses are offered. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement and continued enrollment of the student in the course(s).

Special Education Services — In compliance with the federal requirements of the Individuals with Disabilities Education Act, the receiving state shall initially provide comparable services to a student with disabilities based on his or her current Individualized Education Program.

Placement Flexibility — local education agency administrative officials shall have flexibility in waiving course/program prerequisites, or other preconditions for placement in courses/programs offered under the jurisdiction of the local education agency.

Absence as Related to Deployment Activities — a student whose parent or legal guardian is an active duty member of the uniformed services, as defined by the Compact, and has been called to duty for, is on leave from, or immediately returned from deployment to a combat zone or combat support posting, shall be granted additional excused absences at the discretion of the local education agency superintendent to visit with his or her parent or legal guardian prior to leave or deployment of the parent or guardian.

Graduation

Waiver Requirements — local education agency administrative officials shall waive specific courses required for graduation if similar course work has been satisfactorily completed in another local education agency or shall provide reasonable justification for denial.

Exit Exams — states shall accept: 1) exit or end-of-course exams required for graduation from the sending state; 2) national norm-referenced achievement tests; or 3) alternative testing, in lieu of testing requirements for graduation in the receiving state. In the event the receiving state cannot in good faith accommodate the above alternatives, it shall use best efforts, while working with the sending state, to assure that the student receives a diploma from the sending local education agency, assuming the student meets all graduation requirements of the sending state.

Senior Year Transfers — Should a military student transferring in his or her Senior year be ineligible to graduate from the receiving local education agency after all alternatives have been considered, the sending and receiving local education agencies shall ensure the receipt of a diploma from the sending local education agency, if the student meets the graduation requirements of the sending local education agency.

Details of the specific provisions of the Compact and the current status of the activities of the commission can be found at the Military Interstate Children’s Compact Commission website: http://www.mic3.net/
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 (30 percent of criteria).

★ No permanent orders changing custody arrangements should be entered while the custodial parent is unavailable due to military service (20 percent of criteria).

★ 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 (20 percent of criteria).

★ A service member with visitation rights should be allowed to petition the court to allow those visitation rights be delegated to a third party during the service member’s military absence (20 percent of criteria).

Additionally, states should:

★ Allow expedited hearings upon the request of a service member (5 percent of criteria).

★ Let the court use electronic testimony when the service member is unavailable (5 percent of criteria).

Figure 8 States with Legislation that Meet Most Child Custody Criteria
Current Status
Currently, 37 states address some aspect of the difficulties facing military parents who temporarily must give up custody of their children or forgo visitation. Of these, 21 states have laws that encompass 75 percent of the criteria listed above (Figure 8).

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

★ Louisiana enacted the “Military Parent and Child Custody Protection Act,” in 2010.

☆ http://www.legis.state.la.us/billdata/streamdocument.asp?did=722567
Issue
State licensing and professional credential requirements can limit employment and career options for frequently relocating military spouses. DoD encourages states to offer alternative certification and credential options and streamlined licensing procedures to support the unique needs of working military spouses.

Policy Options
During the 2010 legislative session, Colorado and Florida passed legislation to allow military spouses to expedite their licensing to more quickly enter the workforce. The legislators recognized that military spouses normally stay in a state approximately three years and waiting up to six months (and sometimes longer) to relicense in the new state limits their opportunity to find employment and advance their careers.

★ The Colorado legislation allows all applicants to obtain a Colorado license through endorsement for occupations overseen by the Department of Regulatory Agencies. Further, the legislation allows the state to approve applications for their regulatory boards and allows the boards to accept continuing education credits as an alternative to recent work experience as proof of current competency. The last provision is particularly significant for military spouses who may not have an opportunity to work in their occupations while at their last duty locations.

★ The Florida legislation allows military spouses to obtain a 6-month temporary license with proof of a current license, military orders to the state, a background investigation, and payment of a fee. Spouses can fulfill the specifics of their licensure requirements while seeking employment. Florida’s expedited background investigations have also reduced the time required to obtain the temporary license.

Figure 9 States with Legislation Removing Licensure Impediments for Military Spouses

- States with expedited processes for licensure by endorsement, temporary licensure, or both
Current Status

Currently, 10 states — including Colorado and Florida — have legislation to expedite the licensure process for military spouses (Figure 9). The following are examples of bills enacted early in the 2011 legislative year:

- **Alaska HB 28:** Military spouse receives a 180-day temporary license.
- **Arizona SB 1458:** Military spouse endorsement; may have to work under licensed professional if less than 5 years.
- **Kentucky HB 301:** Military spouse receives a 180-day temporary license.
- **Missouri HB 136:** Military spouse receives a 180-day temporary license, plus a 180-day extension.
- **Montana HB 94:** Includes both endorsement and temporary license; boards may allow all applicants to receive a license based on veracity of the application.
- **Oklahoma HB 1275:** Military spouse nurses receive a 120-day temporary license; no extra fee.
- **Utah HB 384:** Non-resident military spouses are able to use current (in good standing) out-of-state license while in Utah.

Examples of State Policy Approaches

- Example of licensure by endorsement:

  "Allows a licensing board to accept alternate proof of professional competency other than recent time working in the career field."

  "Sample legislative language approving licensure by endorsement: Colorado HB 1175 – 2010."

- Example of temporary licensure:

  "Allows an applicant with a valid license in another state to obtain a license for six months in order to allow the applicant to seek employment and complete licensing requirements."

  "Sample legislative language providing a temporary license: Florida HB 0713 – 2010."
Remove Licensure Impediments for Service Members Leaving the Military

Issue
Separating service members are out of sync with state licensure processes that normally address the needs of applicants who have qualified through private sector experience and testing whether an in-state or out-of-state applicant. Transferring a license typically requires the applicant hold an active license in another state, complete appropriate forms and background checks, and receive their degree or training from an accredited program and school. DoD has their own highly qualified schools that train service members in a variety of skills and occupations, such as jet propulsion maintenance and repair, construction, security, commercial transportation, and health services. When state regulators do not recognize and accept military training and experience, it creates additional burden and hardship upon the veteran.

Policy Options
The Military Services have developed websites to correlate civilian certifications and licensure requirements with military occupations. The websites provide service members guidance on using their educational benefits to obtain national credentials and show enlisted members the promotion points they can earn through their achievements. DoD encourages state regulatory authorities to review military occupations to determine whether the training and experience are sufficient to render licensing in that occupation.

Military Service websites correlating private sector certifications and licensure with military occupations include:

- Army Credentialing Opportunities On-Line (Army COOL)
- Navy Credentialing Opportunities On-Line (Navy COOL)
- Community College of the Air Force Certification Program

Finally, licensure endorsement and temporary licensure may be applicable to some military occupations and where applicable, DoD encourages opportunities to assist service members with these options to ease their transition out of the military.

Figure 10 States with Legislation Removing Licensure Impediments for Service Members Leaving the Military

- States with expedited processes for licensure by endorsement, temporary licensure, or both
**Current Status**

Currently, 10 states have legislation removing licensure impediments (Figure 10). Additional states have begun enacting legislation that:

- Mandate boards account for military training and experience.
- Require use of Verification of Military Experience and Training and Certificate of Release or Discharge from Active Duty to validate military education, training, and experience.
- Prohibit requiring redundant training and education.

**Examples of State Policy Approaches**

- **Utah HB 384**: Waives required education and training if applicant completes military education and training in occupation and passes an exam.
- **Virginia HB 1535**: Medical occupational boards may accept military education, training, and experience towards obtaining a license.
- **Virginia HB 2279**: Contains similar provisions as Virginia HB 1535 for the Emergency Medical Technician occupation.
- **Washington HB 1418**: Requires the Director, Department of Licensing develop a process to evaluate military training and experience to meet requirements for certain non-medical occupations.
- **Washington SB 5307**: Requires the Director, Department of Health develop similar evaluation for medical occupations.
Issue
Since 2006, federal law requires service members to file a DD Form 93, designating a person authorized to handle disposition of his or her remains in case he or she makes the ultimate sacrifice. This differs from individual states, which have their own rules recognizing the next-of-kin to direct final disposition of human remains.

Because many state laws do not currently recognize the federal form as an acceptable one for service members, there have been disputes and confusion in recent years among family members.

Policy Options
In order to maintain consistency, and to ensure a streamlined process for families during difficult times, states can amend their laws to recognize the DD Form 93 as the authoritative document for service members while they are on active duty. This can reduce conflict between state and federal law and ensure that the final wishes of service members are carried out in a timely manner.

Current Status
Currently, 31 states recognize the DD Form 93 (Figure 11).

Examples of State Policy Approaches
The following are bills enacted in 2010 that recognize the federal DD Form 93:

- Arizona HB 2400
- Mississippi SB 2418
- Maryland SB 408

Figure 11 States with Legislation Recognizing DoD Rules on Disposition