



COMMONWEALTH of VIRGINIA

Office of the Governor

Terrie L. Suit
Assistant to the Governor
for Commonwealth Preparedness

January 10, 2011

MEMORANDUM

TO: The Honorable William J. Howell
Speaker of the House
Virginia House of Delegates

The Honorable Charles J. Colgan, Sr.
President Pro Tempore
Virginia State Senate

FROM: Terrie L. Suit

SUBJECT: 2010 Annual Report on the Virginia Military Advisory Council

In accordance with §2.2-2666.1 of the *Code of Virginia*, the attached is an executive summary of activity and work of the Virginia Military Advisory Council (VMAC) for 2010.

Attachment



VIRGINIA MILITARY ADVISORY COUNCIL

2010 Annual Report



Preface: The Virginia Military Advisory Council was created by the *Code of Virginia* through §2.2-2666.1. The legislation requires an annual executive summary of interim activity and work of the Council to be submitted to the Governor and General Assembly.

EXECUTIVE SUMMARY

The Virginia Military Advisory Council (VMAC) is created as an advisory council to maintain a cooperative and constructive relationship between the Commonwealth and the leadership of the Armed Forces of the United States and the military commanders of such Armed Forces stationed in the Commonwealth, and to encourage regular communication on continued military facility viability, the exploration of privatization opportunities and issues affecting preparedness, public safety and security.

The VMAC is composed of 27 members representing military, legislators and private partners. The Chairman is selected by the Council among its membership. The Council has also established four subcommittees to focus and devote resources to major issues pertaining to that subcommittee. As a result of changes in the Administration and normal rotation of installation commanders, ten new members were additions to VMAC in 2010. The subcommittees include Quality of Life, Oceana/Fentress Advisory Council, Military – Civil Mutual Aid, which replaces Homeland Security and Preparedness, and Citizen Soldier Support.

Major General James E. Chambers, Commanding General, United States Army Combined Arms Support Command at Fort Lee served as the VMAC Chairman until he was reassigned in June 2010. At the September 2010 meeting Major General Karl Horst, Commander of the U.S. Army Military District of Washington and Joint Force Headquarters National Capital Region, was unanimously elected as the Chairman.

Key Issues:

The following topics were national issues of concern for the military and are echoed by the VMAC in their work for 2010. These were a major focus for the Quality of Life Subcommittee.

- (1) Increase Key Support for Guard and Reserve Members and Their Families: The high deployment levels of the Guard and Reserve necessitate a reciprocal level of support for the needs of our service members and their families. The desired outcome is that states provide important benefits perceived as ‘best practices’ by Service members which should be common throughout the states.

Currently, the Commonwealth offers support to deployed Guard and Reserve service members by providing academic protection and funding for the Military Family Relief Fund. For all service members there is an exemption from income taxes for “military death gratuity payments” and there is the Granting Freedom, Virginia’s

Military Home Modification Grant Program to assist our disabled service members in making necessary accommodations to their homes.

(2) **Ensure Deployment Separation Does Not Determine Child Custody Decisions:**

Extended separations due to military service necessarily alter short-term custody/visitation arrangements and can have long-term consequences. The desired outcome is for states to appropriately balance the interests of service members who are absent due to military service while preserving the best interests of the child; address delegation of visitation rights; and consider expedited court dockets and the use of electronic communications systems to appropriately accommodate military demands.

Virginia Statute allows for temporary child custody orders on the basis of deployment; expedites hearings for service members returning from deployment; past or future deployments cannot be the sole basis in making child custody or visitation determinations; and provides for reasonable visitation accommodations to be given the service member while on leave. Other protections the VMAC is suggesting are: (a) permit the service member with visitation rights be allowed to petition the court to allow those visitation rights to be delegated to a third person during the service member's absence due to military service; and (b) allowing for service members who are away due to military assignment be permitted to provide electronic testimony in child custody matters. The VMAC established an Ad Hoc Committee comprised of members of the General Assembly, the Attorney General's Office and a member of the Virginia Bar Association to seek guidance from the Family Law Coalition on legislative changes to reduce the burden on deployed service members while protecting the rights of the child.

(3) **Increase Access to Quality, Affordable Childcare for Military Families:**

Demand for child care continues to out-pace capacity. The desired outcome is that states will integrate DoD effectiveness standards into their Quality Rating and Improvement Systems (QRIS) for childcare programs. Through statewide QRISs, DoD can identify providers eligible for 'approved' status (subsidized care) and partner with other providers to help them reach that status.

Virginia has implemented a pilot program, the Virginia Star Quality Initiative (VSQI), which defines standards and rates child care providers by using a five-star scale for increasing quality. Due in part to Governor McDonnell's high interest in this issue and VMAC support, Virginia has been chosen as one of the first 13 states to participate in this DoD program. Virginia will hire an individual, funded by DoD, to work with Child Care facilities supporting military installations to increase the number meeting the strict DoD criteria.

(4) **Minimize School Disruption for Military Children During Transition and Deployment:**

The mobile military lifestyle creates challenges for children who attend ~8 schools in 12 years plus endure the anxiety of parental separation during deployments. The desired outcome is that states participate in an interstate compact

which provides a vehicle for establishing common guidelines for handling issues (class placement, records transfer, immunization requirements, course placement, graduation requirements, and extracurricular opportunities) that impact military children as they transition between schools.

In 2009 Virginia enacted the Interstate Compact on Educational Opportunity for Military Children which helps address transition issues that military children face when moving from state to state and school system to school system. Since the Commonwealth has the highest number of active duty military school children in the nation, Virginia's participation in this compact is significant. To date, 35 states have enacted this Compact. As recommend by VMAC, Susan McIntosh, Education Services Officer from Marine Base Quantico, was appointed by the Secretary of the Navy to serve as the military representative to the Virginia Council on the Interstate Compact for Military Children.

- (5) **Enhance Opportunities for Portable Careers for Military Spouses:** Frequent moves and cumbersome licensing and certification requirements limit career options for military spouses. The desired outcome is that states provide alternative certifications, expedite licensing procedures to support portable careers, and employ other considerations for the unique needs of working military spouses.

Virginia currently provides alternatives to expedite licensure and certification of spouses who are teachers and nurses. The VMAC encourages the Commonwealth to take additional steps to include streamlining licensing processes, joining professional reciprocity agreements, approving licensing by endorsement/credentials, accepting education credits in lieu of "continuous practice" in some cases, and accepting national examination standards. One item the Commonwealth may consider for the 2011 legislative session, is extending a current law in VA (54.1-117) to military spouses who are relocating overseas due to government orders. This statute states that if a service member is called to active service out of the country and holds a license in Virginia for any profession and it expires while they are away, the license will remain valid for up to 5 years. However, once the service member returns to Virginia they have 60 days to renew the license. A possible solution to help spouses could be to extend this current law to military spouses who are relocated overseas due to their spouse's government orders. This possible legislative change developed from the VMAC when an issue was raised and later researched by the VMAC's Quality of Life Committee.

- (6) **Improve Absentee Voting for Military Members and Their Families:** Citizens need assurance their vote will be counted. The desired outcome is that states authorize flexible processes for absentee voters in the areas recommended by the Federal Voting Assistance Program (FVAP) Office.

In 2010, the Virginia General Assembly passed and Governor McDonnell signed legislation which requires that ballots be prepared and available for absentee voting not later than 45 days for any election.

- (7) **Comport State Laws with DoD Rules on Disposition:** Many states require disposition of remains be determined through state-specific documentation or by a priority sequence of next of kin. The desired outcome is for states to recognize the person authorized to direct disposition (PADD) selected by the service member on DD Form 93 (Record of Emergency Data), in accordance with Federal law.

In 2010, the Virginia General Assembly passed and Governor McDonnell signed legislation which requires that when a person dies while on active duty and has designated a person to make funeral arrangements and disposition of remains on the Record of Emergency Data, the designee shall be responsible for making such arrangements.

- (8) **Satisfy Foreign Language Requirements:** Foreign language proficiency is critical to the United States' ability to meet its security and economic objectives. The desired outcome is for states to work with their business and education sectors to develop centers of influence to enhance language and culture education which meet their requirements and assist with meeting national objectives.

Oceana/Fentress Advisory Council:

The Oceana/Fentress Advisory Council met during the year which was the first meeting in a while. There were several new members on the Council due to changes in the General Assembly and military reassignments. All Council members were brought up to date with the progress the City of Virginia Beach in conjunction with the Commonwealth being made to reduce encroachment in the area. Two issues discussed were the status of the stationing for the Navy Joint Strike Fighter which is still pending a decision by the Secretary of the Navy. Second, the Navy was interested in finding a community with an airfield which would be interested into entering into an agreement to permit the E-2/C-2 aircraft stationed at Oceana Naval Air Station to conduct Field Carrier Landing Practice (FCLP) operations. The City of Franklin was interested. During a review of land documents it was discovered that the United States Government has an existing real estate interest in the Franklin Municipal Airport. Although the former Naval Auxiliary Air Station, Franklin, Va. was transferred to the Town of Franklin in August 1947, the Navy reserved rights to the shared use of the airport with other aircraft. The navy and the City of Franklin are in negotiations. During 2010 the General Assembly passed and the Governor signed legislation making the Executive Director of Virginia National Defense Industrial Authority a member of the Oceana/Fentress Advisory Council.

Military – Civil Mutual Aid:

At the September 2010 meeting the VMAC voted to dissolve the Homeland Security Subcommittee and to create the Military – Civil Mutual Aid Subcommittee. At the November 2010 meeting there were several briefings by local police officials and the FBI to express the critical nature the mutual aid plays in local planning efforts. Additional discussion addressed the need to include planning for major disasters and how federal resources can be made available to the Commonwealth during such events. Future work

of this subcommittee will focus on the mutual aid agreements and ways for standardization.

Citizen-Soldier Support:

Executive Order Number Eighty-Eight under Governor Kaine for *Continuing the Virginia Citizen-Soldier Support Council* expired in June 2010. As a separate Council the organization has become less effective over the past several years. At the request of the Adjutant General of Virginia, in conjunction with the Secretary of Public Safety, it was requested the VMAC create an additional subcommittee to address the duties previously assigned to the Citizen-Soldier Support Council. This motion was approved during the November 9, 2010, VMAC meeting.

The Governor hosted a reception for members of the VMAC and other Senior Commanders, or civilian equivalents, to express the gratitude the Commonwealth has for the military community. The Vice-Chairwoman of VMAC and her staff have participated in 40 official events at military installation which vary from office calls with senior military leaders to attendance at change/relief of command ceremonies. These visits and events reinforce the constructive relationships which have developed over the years with the Commonwealth and the military community. The VMAC looks forward to continuing its good work with the military on issues supporting the men and woman who serve our country.