



**JOINT LEADERSHIP COUNCIL OF  
VETERANS SERVICE ORGANIZATIONS**

**CHAIRMAN'S 2009 ANNUAL REPORT**

**TO**

**COMMISSIONER VINCENT M. BURGESS**

**AND**

**THE BOARD OF VETERANS SERVICES**

**November 30, 2009**

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## Chairman's Message

The Joint Leadership Council of Veterans Service Organizations (the JLC) is comprised of 23 veterans service organizations (VSOs) representing over 250,000 members across the Commonwealth of Virginia. The JLC provides a way for VSOs to collaborate with the Department of Veterans Services (DVS) on assessing and prioritizing veterans' issues and to let policy makers know which issues are of most concern to Virginia's 820,000 veterans

As I look back on 2009, I am pleased with what we have accomplished. The General Assembly acted on four of our six legislative issues. But, much remains to be done, and our efforts will likely be impacted by the faltering economy.

Fiscal Year 2009 marked the sixth year of operation for the JLC, and the end of the fiscal year resulted in significant turnover in Council membership due to term limits. The Governor reappointed six members, appointed nine alternates to primary membership, and appointed eight new members. All members were administered the Oath of Office at the August meeting. One VSO, WAVES, dropped out and a new VSO, Vietnam Veterans of America, joined.

As a mature organization, the JLC undertook an internal review of our operation. The Constitution and By-Laws were reviewed and updated to reflect the current state of JLC operations. We also formed a team to review the six JLC Powers and Duties set forth in the Code of Virginia. The team reviewed the six powers and summarized how well the JLC was meeting its duties. In general, the JLC is doing an excellent job of meeting its current obligations, but taking on additional obligations would strain the capacity of a volunteer organization.

In June, the JLC achieved one of its important non-legislative objectives. One of our VSOs, the Marine Corps League, worked with several groups to formulate a Memorandum of Understanding (MOU) to provide funeral honors for unclaimed veterans' cremated remains. Getting agreement from the Virginia Funeral Directors Association (VFDA) was crucial to the process. Several agencies working together were able to do so, and the MOU was signed at the VFDA convention on June 16, 2009. Successful implementation of the MOU will require the coordination of DVS, JLC, VFDA, and VSOs.

The JLC, now entering its seventh year, continues to be a dynamic, serious, and dedicated organization. We strive to work cooperatively with several state agencies. As we have done for the past several years, the JLC develops a set of budget and legislative recommendations for the Governor and General Assembly's consideration. Our legislative issues are the result of careful consideration, lively discussion, and reasoned debate among the 23 VSOs represented on the JLC. We try to balance the Commonwealth's financial situation with the needs of Virginia's veterans. We hope these thoughtful, deliberative efforts, coupled with an improvement in the state budget situation, will lead to increased resources to support Virginia's 820,000 veterans.

Respectfully,

Daniel D. Boyer, Jr.  
Colonel, USAF (Ret)  
Chairman

## **The Joint Leadership Council of Veterans Service Organizations**

The members of the Joint Leadership Council of Veterans Service Organizations (the JLC) represent 23 veterans service organizations (VSOs) in Virginia, that, combined, have more than 250,000 members. The JLC was created by Virginia statute in 2003 to be a voice for Virginia's veterans. JLC members are appointed by the Governor for three-year terms. The JLC meets at least four times a year and meetings are open to the public.

### **Member Organizations**

As of November 30, 2009, twenty-three VSOs were represented on the JLC:

- Air Force Association
- American Ex-Prisoners of War
- American Legion
- AMVETS
- Association of the United States Army
- Disabled American Veterans
- Fleet Reserve Association
- Korean War Veterans Association
- Legion of Valor of the US, Inc.
- Marine Corps League
- Military Officers Association of America
- Military Order of the Purple Heart
- Military Order of the World Wars
- National Association for Uniformed Services
- Navy Seabee Veterans of America
- Non Commissioned Officers Association
- Paralyzed Veterans of America
- Reserve Officers Association of the United States
- Roanoke Valley Veterans Council
- Veterans of Foreign Wars of the United States
- Vietnam Veterans of America
- Virginia National Guard Association
- Women Marines Association

### **Mission Statement**

*The Council provides advice and assistance to the Governor and the Department of Veterans Services on matters of concern to the veterans community and provides a conduit of information to and from the veterans service organizations on policy and legislation, pending and enacted, as well as information on existing services.*

## **Vision**

*The Council will:*

- *Give the Department of Veterans Services a broader understanding of the services needed by veterans.*
- *Give veterans a broader understanding of the services available to them as citizens of Virginia.*
- *Help veterans and veterans' organizations achieve legislation or policy changes needed to improve veterans' services.*
- *Enhance communications between the public, the state government, and the state's veterans.*
- *Help the Governor and the Department of Veterans Services develop policies that improve services for Virginia's veterans.*
- *Help the General Assembly develop and pass laws that more clearly respond to veterans' needs.*

## **Issue Identification, Development, and Advocacy**

As the voice of Virginia's veterans, the JLC identifies issues of concern to veterans, their spouses, orphans, and dependents and serves in an advisory capacity to the Virginia Department of Veterans Services. Each year, the JLC presents a list of key legislative objectives for the Governor's consideration. So, when you ask, "What are Virginia's veterans' issues?" – these are the top issues.

In 2009, the Governor and General Assembly acted on four of the JLC's six legislative objectives.

## **Communication**

The JLC supports DVS by communicating information to veterans about their benefits, events, and issues. JLC members promptly relay information to the members of their respective organizations, amplifying the effectiveness of DVS' communications and initiatives. Additionally, cross-sharing of information has resulted in partnerships and cooperative efforts among the various veterans service organizations.

## **For More Information**

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## 2010 Legislative Objectives

The following legislative objectives were adopted by the Joint Leadership Council of Veterans Service Organizations (the JLC) on August 12, 2009. These are the prioritized objectives of the 23 Veterans Service Organizations represented on the JLC.

1. **Real Estate Tax Exemption for 100% Disabled Veterans.** The JLC requests that the General Assembly enact legislation to amend the Virginia Constitution to require local governments to grant real estate tax exemptions for 100% service-connected disabled veterans without regards to means testing. Identical legislation passed the 2009 General Assembly and must also pass the 2010 General Assembly.
2. **Support the Department of Veterans Services FY11-FY12 Budget.** The JLC requests that the Governor and General Assembly:
  - a. Continue level funding for the Virginia Wounded Warrior Program (VWWP) at \$2 million per year (GF); and
  - b. Appropriate \$100,000 (GF) in FY11 to continue development of the Automated Claims Processing System for veterans disability claims; and
  - c. Provide the necessary resources to open and operate the Southwest Virginia Veterans Cemetery: \$40,000 (GF) in FY10, \$285,000 (GF) and \$15,000 (NGF) in FY11 and ongoing, and five positions.
3. **Virginia War Memorial Operating Funds and FFE Funds.** The JLC requests that the Governor and General Assembly:
  - a. Appropriate \$910,000 (GF) in FY11 to purchase furniture, fixtures, and equipment (FFE) for the Paul and Phyllis Galanti Education Center; and
  - b. Appropriate \$693,000 (GF) in FY11 and on-going to operate the Center.
4. **Burial Vaults for Virginia State Veterans Cemeteries.** The JLC requests that the Governor and General Assembly appropriate \$36,000 (GF) in FY11 so that burial vaults may be sold at cost at Virginia state veterans cemeteries.
5. **Military and Veteran Court Programs:** The JLC requests that:
  - a. The General Assembly enact legislation that would authorize localities to establish special court programs for veterans and military personnel; and
  - b. An educational program be established to educate judges, attorneys, first responders, and others on the unique challenges faced by combat veterans and the treatment options available to them; and
  - c. A study be conducted to identify further ways of helping combat veterans who come in contact with the legal and criminal justice systems.
6. **Military Family Relief Fund:** The JLC requests that an administrative or legislative solution be found so that grants from the Military Family Relief Fund are not treated as taxable income.

**JLC Position Paper:**  
**Real Estate Tax Exemption for 100% Disabled Veterans**

1. **OBJECTIVE:** To provide real estate tax exemption for 100% disabled veterans without means testing.
  
2. **BACKGROUND:**
  - The Code of Virginia, §58.1-3210, provides that the “governing body of any county, city or town may by ordinance provide for the exemption from ...taxation of real estate for persons “at least sixty five years of age or if provided in the ordinance anyone found to be permanently and totally disabled.”
  - The Code further sets restrictions and conditions on any exemption provided by the localities which include 1) income restrictions and 2) financial worth restrictions. Income restrictions apply to the owner and any relatives living in the dwelling. Financial worth restrictions apply to the owner and his/her spouse.
  - Localities may set income/net worth caps lower than those mandated by the state but may not set caps higher than those set by the state.
  - The U.S. Department of Veterans Affairs (the VA) reported that 7,358 Virginia veterans were rated 100% disabled as of May 2009.
  - The 2009 General Assembly unanimously passed HJ648 and SJ275, beginning the process amending Virginia’s Constitution to require local governments to grant real estate exemptions for 100% disabled veterans without means testing.
  
3. **DISCUSSION:**
  - The Department of Veterans Services (DVS) held numerous town hall meetings in 2007 and 2008 at locations across the state. Each revealed the need for real estate tax exemption for 100% disabled veterans.
  - 100% disabled veterans continue to suffer from disabilities incurred during active military service to our Nation and our Commonwealth.
  - In Executive Order 19, “Serving Virginia’s Veterans,” Governor Kaine directed DVS to pay particular attention to the needs of disabled veterans. In its report to the Governor, DVS recommended real estate tax relief for 100% disabled veterans.
  
4. **RECOMMENDATION:** That the 2010 General Assembly pass resolutions identical to those passed by the 2009 General Assembly (HJ648 and SJ275), thereby continuing the process of amending Virginia’s Constitution to provide real estate exemptions for 100% disabled veterans.

## **JLC Position Paper: Virginia Wounded Warrior Program**

1. **OBJECTIVE:** To sustain base funding for the Virginia Wounded Warrior Program and to approve an additional full-time position.
  
2. **BACKGROUND (for additional background information, see Attachment 1):**
  - The Virginia Wounded Warrior Program (VWWP) was unanimously enacted by the General Assembly in 2008 in response to the growing need to improve and expand services to our nation's veterans and their families. It is operated by the Virginia Department of Veterans Services in cooperation with the other governmental agencies.
  - The VWWP supports veterans of all wars and their families on their road to recovery from the effects of stress related injuries, such as post-traumatic stress disorder, as well as traumatic brain injuries.
  - Five regional VWWP consortia have been established consisting of brain injury and other service providers, area Community Services Boards, and U.S. Department of Veterans Affairs (USDVA) providers.
  - The VWWP's first year was devoted to building infrastructure, increasing awareness of PTSD and TBI in the behavioral health community, and getting \$1.7 million in funding into the hands of service providers at the local level.
  - At the end of its first year, VWWP has three primary messaging goals:
    - To increase program visibility for sustainability.
    - Communicating Virginia's ongoing commitment to the quality of life for veterans and building a long-term vision for the Virginia Wounded Warrior Program.
    - Trust building with DVS employees and partners.
  
3. **DISCUSSION (for further discussion, see Attachment 2):**
  - The first year of operation has been devoted to building quality, sustainable administrative and service support at both the state and local levels, educating communities about the program, and serving as many veterans and families as possible.
  - The General Assembly provided funding of \$2.4 million for the first year of program start-up and \$2 million to sustain the program and implementation in FY10.
  - Data collection regarding services being provided to veterans and their families in the community has begun; this was no small feat since data-sharing among disparate provider groups is difficult at best.
  - As a result of the VWWP efforts, unprecedented collaborations and partnerships have been established within the state, Department of Defense, the USDVA and local communities.
  
4. **RECOMMENDATION:** That the Governor and General Assembly ensure that the funding for the Virginia Wounded Warrior Program in the amount of \$2 million for each fiscal year 2011 and 2012 remains in the base funding of the Department of Veterans Services.

## ATTACHMENT 1 – BACKGROUND

- The Virginia Wounded Warrior Program (VWWP) was unanimously enacted by the General Assembly in 2008 in response to the growing need to improve and expand services to our nation's veterans and their families. Operated by the Virginia Department of Veterans Services in cooperation with the Department of Behavioral Health and Developmental Services and the Department of Rehabilitative Services, this program has met or exceeded all implementation goals set forth in the original plan. In addition to the legislatively mandated partnership of these three state departments, the Adjutant General of the National Guard and the Veterans Healthcare Administration network director for Virginia have signed an interagency agreement and are active members of the VWWP Executive Strategy Committee.
- The VWWP supports the following persons on their road to recovery from the effects of stress related injuries, such as post-traumatic stress disorder, as well as traumatic brain injuries:
  - Veterans of any era who are Virginia residents.
  - Members of the Virginia National Guard not in active federal service.
  - Virginia residents in the Armed Forces Reserve Components not in active federal service.
  - Family members of veterans and service members in the above categories.
- Organization: Five regional VWWP consortia have been established consisting of brain injury and other service providers, area Community Services Boards, and U.S. Department of Veterans Affairs (USDVA) providers. All five consortia have received VWWP funding through a competitive grant process and are strengthening services in their local area that may include: case management; outpatient treatment; rehabilitative services; family support and linkage to other services such as benefits, housing, employment and education. These newly organized and functional consortia have been sorely needed to effectively and efficiently serve our veterans and their families. By USDVA estimates Virginia has moved up from eighth to seventh in veterans population among the states with an estimated veterans population of 819,490, as of September 30, 2009, and will hold relatively steady through fiscal year 2013.
- The VWWP's first year was devoted to building infrastructure, increasing awareness of PTSD and TBI in the behavioral health community, and getting \$1.7 million in funding into the hands of service providers at the local level so they can increase capacity and access to treatment and other support services for veterans with PTSD and TBI.
- At the end of its first year, VWWP has three primary messaging goals:
  - The first goal, to increase program visibility for sustainability, is critical for continued funding, increased participation by behavioral health and other service providers, fund raising, and support within the veterans community and by the general public.

- The second goal, communicating Virginia's ongoing commitment to the quality of life for veterans and building a long-term vision for the Virginia Wounded Warrior Program, dovetails with the first and broadens the program's scope and reach by making it representative of statewide support for veterans and their families.
- The third goal, trust building with DVS employees and partners, focuses on continuing to build and strengthen the program's infrastructure, access to resources, and strong working relationships with program partners to ensure seamless and transparent service and care for veterans and their families.

## ATTACHMENT 2 – DISCUSSION

- The first year of operation has been devoted to building quality, sustainable administrative and service support at both the state and local levels, educating communities about the program, and serving as many veterans and families as possible. In April 2009, through a competitive grant process, the VWWP infused \$1.7 million into these newly established regional consortia of service providers to generate and expand behavioral health and rehabilitative services across the state.
- The General Assembly provided funding of \$2.4 million for the first year of program start-up and \$2 million for program sustaining and implementation in FY10 and beyond. To augment that funding, aggressive pursuit of grants and other funding streams have been explored with some early success.
  - Recently, a grant was secured through the Virginia Commonwealth University School of Education's Partnership for People with Disabilities. The grant, worth \$398,700, enables the Partnership to be the training arm for the VWWP over the next three years. Initial training for community service providers within each of the five regions will be completed by the end of September 2009 with a statewide conference planned for February 2010.
  - Other grant applications are pending approval.
- Data collection regarding services being provided to veterans and their families in the community has begun; this was no small feat since data sharing among disparate provider groups is difficult at best. As the program matures, so will the quality of data captured. The VWWP has partnered with Virginia Tech which is conducting a state-wide needs assessment to help target the gaps of services for our veteran population. Results of that survey should be available in early 2010.
- Fully develop a Communication Plan that will:
  - Increase program visibility for sustainability.
  - Communicate ongoing commitment to quality of life for veterans and build long term vision for the VWWP to include need for continual funding.
  - Trust building with DVS employees and partners.
  - This Plan is near full development (Goal – December 31, 2009) and is in the process of concurrent execution
- As a result of the VWWP efforts, unprecedented collaborations and partnerships have been established within the state, Department of Defense, the USDVA and local communities. The value of having a quality and sustainable VWWP for our veterans is profound. The VWWP is the principal, coordinated, Wounded Warrior program that is supported by the Commonwealth. One out of every ten citizens in Virginia is a veteran. The frequency of deployments since the start of Operations Enduring and Iraqi Freedom, coupled with the known potential delay of onset of symptoms associated with combat stress and brain injury, makes sustaining of this effort essential if we are to meet the behavioral health and service demands of this population.

## **JLC Position Paper: Automated Claims Processing System**

1. **OBJECTIVE:** To continue funding the development of an automated system for the electronic preparation of veterans' disability claims.
  
2. **BACKGROUND:**
  - There are almost 820,000 veterans in Virginia; over 121,000 receive disability compensation benefits.
  - Veterans who were wounded or injured while on active duty may file a claim for disability compensation benefits with the U.S. Department of Veterans Affairs (the VA).
    - The VA adjudicates the claim based on evidence submitted or subsequently gathered.
    - On average it takes 12 months for a claim to be adjudicated.
    - If a claim is approved, a veteran will receive between \$117 and \$3,000 per month, depending on degree of disability and number of eligible dependents.
    - If a claim is denied, a veteran may appeal – a process that generally take 2-3 years.
  - Complex laws, with entitlements linked to rigorous documentation and proof of eligibility, make the process of developing and filing a disability claim time-consuming, confusing, and complicated.
    - Redundant information must be entered on multiple forms that must be visually checked.
    - Returned claims greatly delay the adjudication process and increase manpower costs.
  - The Virginia Department of Veterans Services (DVS) assists Virginia veterans in preparing and filing claims
    - DVS human resources and IT solutions have reached capacity. DVS cannot keep up with the ever-increasing demands to assist veterans applying for disability compensation benefits.
    - The number of disability claims filed by DVS on behalf of Virginia veterans is increasing by over 1,000 each year and places an added burden on an already overloaded VA system.
    - Given current technology, DVS must add one additional claims agent for every 500 new claims filed.
    - Additionally, DVS is losing qualified claims agents. Because the claims-filing process is as complicated as the tax code, it takes 3 – 5 years to fully train new claims agents.
  
3. **DISCUSSION:**
  - An automated system for the electronic preparation of veterans' disability claims will simplify the process of developing a claim, resulting in claims that are more complete, more accurate, and present the necessary supporting information in a clear and consistent manner. This will provide for:

- Faster ratings decisions by the VA.
  - Higher initial approval ratings – fewer claims will have to be appealed.
  - Virginia veterans receiving their disability compensation checks sooner.
  - Employing an electronic veterans' disability claims system will therefore:
    - Expedite receipt of veterans' disability benefits.
    - Increase revenue flow to Virginia's veterans and the state.
    - Provide DVS with a cost-effective way to serve more veterans within current human resource levels.
    - Have a definite, positive impact on the Virginia Wounded Warrior Program by allowing veterans to receive VA disability compensation benefits for PTSD and TBI much faster.
  - The 2008 General Assembly appropriated \$100,000 for the development of an automated claims preparation system. The 2009 General Assembly reaffirmed this decision and appropriated an additional \$100,000.
  - DVS is pursuing non-general fund options to bring the new system on line. It is imperative, however, that DVS continue to use all available General Fund resources to prepare for system deployment.
4. **RECOMMENDATION:** That the Governor and General Assembly continue to fund the development of an automated claims processing system.

## **JLC Position Paper: Southwest Virginia Veterans Cemetery**

1. **OBJECTIVE:** To fund the opening and operation of the Southwest Virginia Veterans Cemetery.
  
2. **BACKGROUND:**
  - The 2006 General Assembly authorized the construction of the Southwest Virginia Veterans Cemetery (SWVVC), acceptance of donated land, and acceptance of federal grant funding.
  - The U.S. Army donated 80 acres adjacent to the Radford Army Ammunition Plant in Dublin.
  - Virginia was awarded a \$7.2 million federal grant to design, build, and equip the cemetery.
  - Design work is complete; a groundbreaking ceremony is scheduled for October 19, 2009.
  - Construction will last approximately 12 months; the cemetery will open in fall 2010.
  
3. **DISCUSSION:**
  - To open a new veterans cemetery, key staff must be hired 6-12 months ahead of time in order to conduct training, purchase equipment, and prepare the cemetery for full operation.
  - The Virginia Department of Veterans Services (DVS) estimates that \$45,000 - \$50,000 will be needed in FY10 to hire key staff and perform essential pre-opening activities.
  - Approximately \$300,000 per year is required in FY11 and ongoing.
  - DVS expects the SWVVC to perform approximately 50 – 75 burials the first full year of operation, growing by approximately 25 burials per year to a level of 200 burials per year.
  - Operations at the state veterans cemeteries in Amelia and Suffolk are funded by the General Fund (approximately 70%) and Non-General Fund (approximately 30%).
  - Because the Dublin cemetery will perform fewer burials the first few years, it will initially need a greater percentage of General Fund support: 90 to 95% per year for the first three years.
  
4. **RECOMMENDATION:** That the Governor and General Assembly provide \$40,000 in FY10 to open and \$300,000 in FY11 and ongoing to operate the Southwest Virginia Veterans Cemetery.

**JLC Position Paper:**  
**Virginia War Memorial FFE Funds and Operating Funds**

1. **ISSUE:** To prepare for the opening of the Paul and Phyllis Galanti Education Center at the Virginia War Memorial by increasing the Memorial's on-going operating budget and by securing one-time funding for furniture, fixtures, and equipment (FFE).
  
2. **BACKGROUND:**
  - a. Over the past twelve years, the Virginia War Memorial Foundation Board of Trustees has overseen the renovation of the Memorial and the development and implementation of award-winning educational programs.
  - b. Since it was dedicated in 1956, the Memorial has become not just a shrine of memory to the brave Virginians killed in our nation's wars, but also a place to educate all Virginians on the service and sacrifice of our nation's warriors.
  - c. *Virginians at War*, the Memorial's award-winning documentary film series, is used by middle and high schools statewide. With regular patriotic events, student seminars during the school year, teacher institutes during the summer, and the acquisition of nationally sought-after artifact collections, the number of visitors to the Memorial has increased dramatically over the past several years.
  - d. The Paul and Phyllis Galanti Education Center at the Virginia War Memorial will provide the space, now sorely lacking, to conduct educational programs, exhibits, student seminars, teacher institutes, and other programs to support the Memorial's expanded mission.
  - e. The General Assembly has provided over \$7 million to construct the Galanti Center, and an additional \$2 million in private funds have been raised.
  - f. The Galanti Center will open in mid-2010
  
3. **DISCUSSION:**
  - a. The Paul and Phyllis Galanti Education Center will be completed by mid-2010. A one-time appropriation of \$910,000 is required to purchase the furniture, fixtures, and equipment needed to support the mission of this \$9.1 million center honoring Virginia's military and their sacrifices to secure our freedoms.
  - b. In addition, an additional \$449,000 in operating funds (for a total annual operating budget \$693,313) will be required annually to meet the increased rent plan charges, deliver education programs, and staff the new center. For example, the Memorial's rent plan – money paid to the Department of General Services to maintain the Memorial – will increase by \$239,900 per year. This amount is equal to the Memorial's entire current operating budget.
  
4. **RECOMMENDATION:** That the Governor and General Assembly appropriate the necessary funding to outfit, open, and operate the Paul and Phyllis Galanti Education Center at the Virginia War Memorial: \$910,000 (one-time) for FFE and \$693,313 per year (on-going) for operations.

**JLC Position Paper:**  
**Burial Vaults for Virginia State Veterans Cemeteries**

1. **OBJECTIVE:** To appropriate \$36,000 so that burial vaults may be provided for resale at cost at Virginia state veterans cemeteries.
  
2. **BACKGROUND:**
  - A burial vault is an in-ground protective concrete shell into which a casket is placed.
  - Burial vaults are required at state and national veterans cemeteries.
  - Burial vaults are provided at no cost at national cemeteries.
  - At Virginia's state veterans cemeteries, veterans must purchase a burial vault from a funeral home, at a cost of \$800 to \$1,200.
  - Vaults can be "pre-placed" (installed in large numbers on a prepared foundation) or individually placed. Pre-placed vaults are used in relatively flat terrain, while individually placed vaults are used both in flat terrain and in hilly/sloping terrain.
  - The Southwest Virginia Veterans Cemetery in Dublin will be constructed using federal grant funds and will have 2,750 pre-placed burial vaults. These vaults will be provided to veterans free of charge.
    - Because they do not currently have pre-placed vaults, the state veterans cemeteries in Amelia and Suffolk will continue to require veterans to purchase a vault.
    - Pre-placed vaults cannot be used in all sections of the Dublin because of topography.
  - DVS has requested federal grant funding to retrofit the Amelia and Suffolk cemeteries with pre-placed vaults. However, federal funding is uncertain and even if provided will not solve 100% of the problem.
    - Cemetery topography will not allow 100% use of pre-placed vaults, meaning that individually-placed vaults will still be needed.
    - Individually-placed vaults are also needed for oversize caskets, third burials (i.e. burial of an eligible child next to his/her parents) and in some other circumstances.
  
3. **DISCUSSION:**
  - Virginia state veterans cemeteries should provide the same level of service as national cemeteries, to include providing burial vaults at no cost
  - The state budget situation may prevent full funding of this initiative
  - As an interim measure, state veterans cemeteries can purchase vaults for resale at cost.
  - Approximately \$20,000 should be appropriated to purchase the first set of burial vaults. The cemeteries can purchase subsequent vaults using funds generated through vault sales.

In addition, approximately \$16,000 in one time funding is required to purchase the specialized equipment needed to install the burial vaults.

4. **RECOMMENDATION:** That the Governor and General Assembly appropriate \$36,000 to enable burial vaults to be resold at cost at Virginia state veterans cemeteries.

## **JLC Position Paper: Military and Veteran Court Programs**

1. **OBJECTIVE:** To help veterans and military personnel who come in contact with the legal and criminal justice systems by:
  - Enacting enabling legislation so that local judges may establish special court programs;
  - Implementing education programs to help judges, attorneys, first responders, and others understand the unique challenges faced by veterans and military service members, and the treatment options available to them; and
  - Proactively addressing a potential future wave of military and veteran-related court cases by studying further ways of helping veterans and military personnel who come in contact with the legal and criminal justice systems.
  
2. **BACKGROUND:**
  - Military service entails high costs to service members and their families. In addition to the risk of death or physical injury, service members, especially those in combat, can face situations that place them under extreme mental stress.
  - This physical and mental stress can lead to mental illness, alcohol or substance abuse, homelessness, unemployment, and strained relationships in the home and in the community. Some of these conditions may not manifest themselves for weeks, months, or even years after a military member has returned from a combat zone or after a veteran has left military service.
  - Post Traumatic Stress Disorder (PTSD) and Traumatic Brain Injury (TBI) – severe manifestations of mental illness and head or brain injury, respectively – have been called the “signature injuries” of the wars in Iraq and Afghanistan, but they are not limited to these – they have affected veterans and military members from all periods of service.
  - Unique resources and treatment options are available through federal, state, local, and private agencies, providing an effective alternative to incarceration.
  
3. **DISCUSSION:**
  - Mental illness and injury arising from military service can create conditions that bring veterans and military members in contact with the criminal justice system. Allowing judges to implement special programs that provide alternatives to incarceration would help military members and veterans receive the unique care they need to recover from their unique injuries, and would give them a second chance to resume their honorable place in our society. The veteran or service member, his/her family, and society will benefit.
  - Enabling local judges to establish local procedures will allow veterans and military members to leverage the myriad of federal, state, and local resources available to them, especially the unique resources of the U.S. Department of Veterans Affairs (the VA), and will potentially provide an effective alternative to incarceration, which hurts the individual, hurts the family, and society.

- Experience in states that have established special programs has proven quite successful and demonstrated that veterans and military members respond very favorably in court systems where they feel respected and understood for their unique circumstances and needs.
- The Virginia Wounded Warrior Program (VWWP) was created by unanimous vote of the 2008 General Assembly to assist Virginia veterans, Guardsmen, and Reservists suffering from combat-stress related injuries. At the time, the scope of the problem was not well defined, but it was understood that there was a problem and that a new program was needed to address the issue. The same potential population served by the VWWP would be served by special court programs for veterans and military personnel.
- This is not an issue that can, or will, be solved in the short term. However, it is not an issue that can be deferred. The state can, and must, start taking steps to address this issue now, if only to lay the foundation for a potential future wave of military and veteran-related court cases.
- It seems logical that significant cost savings to the state and to local governments would be realized by keeping veterans and military members out of prison or jail, and instead sentencing them to alternate treatment options.

4. **RECOMMENDATION:** The JLC recommends that

- a. The General Assembly enact legislation that would authorize (but not require) localities to establish special court programs for veterans and military personnel;
- b. An educational program be established to educate judges, attorneys, first responders, and others on the unique challenges faced by combat veterans and the treatment options available to them; and
- c. A study be conducted to identify further ways of helping combat veterans who come in contact with the legal and criminal justice systems.

## **JLC Position Paper: Military Family Relief Fund**

1. **OBJECTIVE:** To find an administrative or legislative solution so that grants from the Virginia Military Family Relief Fund (VMFRF) are not treated as taxable income.
  
2. **BACKGROUND:**
  - The VMFRF (Virginia Code 44-102.2) was established in 2006 to assist military families that are having difficulty meeting basic needs due to military deployments.
  - Under the VMFRF, Guardsmen and Reservists who have been called to extended active duty (periods in excess of 90 days) or their family members may apply for financial relief to meet basic needs, such as food, housing, utilities, and medical care.
  - 51 awards were made in FY09, totaling \$54,224.
  - The VMFRF is eligible for donations through the Virginia Income Tax Return “check off.” To date, over \$33,000 has been received.
  - Disbursements from the VMFRF are treated as taxable income.
  
3. **DISCUSSION:**
  - Taxing VMFRF disbursements means that only a portion of the funds may be used for the intended purpose. This is contrary to the purpose of the VMFRF, which is to provide relief to military families, not to return revenue to the state.
  - In January 2009, the Virginia Department of Taxation estimated that exempting distributions from the VMFRF would reduce General Fund revenues by only \$7,200 per year.
  
4. **RECOMMENDATION:** That an administrative or legislative solution be found so that grants from the Military Family Relief Fund are not treated as taxable income.