



**JOINT LEADERSHIP COUNCIL OF
VETERANS SERVICE ORGANIZATIONS**

CHAIRMAN'S 2016 ANNUAL REPORT

TO

COMMISSIONER JOHN L. NEWBY II

AND

THE BOARD OF VETERANS SERVICES

November 30, 2016

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Chairman's Message

The Joint Leadership Council of Veterans Service Organizations (JLC) expanded this year, and is now comprised of 25 veterans service organizations (VSOs) representing over 250,000 members. The newest VSOs represented on the JLC are Iraq and Afghanistan Veterans of America (IAVA) and the Fifth Baptist Veterans Ministry.

JLC members remain committed to serving Virginia's over 781,000 veterans in numerous ways, and advocating for the entire military community, including the National Guard and the Armed Forces Reserves, and their families. With veterans comprising almost 10% of the Commonwealth's population, Virginia has one of the highest per capita populations of individual veterans, and veterans still in the workforce in the country. The commitment of the Commonwealth of Virginia to support veterans and their families could not be stronger.

We deeply value our partnership with the Department of Veterans Services, Board of Veterans Services, Veterans Services Foundation, Governor and General Assembly, as we work together to serve Virginia's veterans and their families. The General Assembly has supported many of the legislative initiatives the JLC proposed in the past few years. Our members visit the General Assembly every January at the start of session and enjoy talking to their Senators and Delegates about the merits of JLC-sponsored bills. It is important work and our members, all veterans, have the ability to convey to legislators this importance in a way few others could.

JLC members are working on the legislative initiatives for consideration during the 2017 General Assembly session. There are currently five approved JLC initiatives and one draft initiative to be finalized at our December meeting, after the publication of this report.

The JLC is proud to represent not only our member VSOs, but to serve as a voice for all of Virginia's veterans. The JLC looks forward to our continued involvement in the legislative process and promoting Virginia as the most veteran friendly state in the nation.

Respectfully,

Harold H. (Bart) Barton, Jr.
Colonel, USAF Retired
Chairman

The Joint Leadership Council of Veterans Service Organizations

The members of the Joint Leadership Council of Veterans Service Organizations (the JLC) represent 25 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 the voice for Virginia's VSOs, and by extension, for Virginia's veterans. JLC members are appointed by the Governor for three-year terms. The JLC typically meets five times a year. Meetings are open to the public.

Member Organizations

- Air Force Association
- American Legion
- AMVETS
- Association of the United States Army
- Disabled American Veterans
- Fifth Baptist Veterans Ministry
- Fleet Reserve Association
- Iraq & Afghanistan Veterans of America
- 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 Army/Air National Guard Enlisted Association
- Virginia National Guard Association
- Women Marines Association

Mission Statement

The Council provides advice and assistance to the Governor, General Assembly 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 initiatives for consideration by the Governor and General Assembly. So, when you ask, "*What are Virginia's veterans' issues?*" the answer is clear – *these* are the top issues.

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.

2016 Meetings

The JLC typically holds five business meetings and one conference each year. Minutes of JLC meetings are provided to the Board of Veterans Services (BVS) Veteran Services Foundation and are posted on the Commonwealth Calendar and on the JLC page on the DVS website:

<http://www.dvs.virginia.gov/dvs/joint-leadership-council-veterans-service-organizations>.

The 2016 meeting schedule is as follows:

- January 14: JLC Conference at the General Assembly
- April 22: Business Meeting
- July 13: Business Meeting
- October 12: Business Meeting
- December 21: Business Meeting (scheduled)

2016-2017 Officers

- Chairman: Harold H. "Bart" Barton
- Vice Chairman: Marie G. Juliano
 - Legislative Officer: David Sitler
 - Assistant Legislative Officer: Robert A. Sempek
 - Chaplain: L.T. Whitmore
 - Constitution & By-Laws Committee:
 - Chairman: Richard Mansfield
 - Members: Perry Taylor and Adam Provost
 - Nominating Committee:
 - Chairman: Dan Boyer
 - Members: John Clickener, Jon Ostrowski
 - JLC Representative to the Virginia Military Advisory Council (VMAC):
 - Primary: William Barrett, Jr.
 - Alternate: Curtis Jennings
 - JLC Representative to Board of Veteran Services (BVS)
 - Primary: Harold H. ("Bart") Barton, Jr.
 - Alternate: Marie G. Juliano
 - JLC Representative to Veterans Services Foundation (VSF)
 - Primary: William B. Ashton
 - Alternate: Abe Zino (A)
 - JLC Representative to the Virginia War Memorial Board (VWMB)
 - Primary: Marie G. Juliano

Alternate: Robert Huffman

- JLC Representative to the State Board of Elections Electronic Ballot Return Work Group:
Primary: Frank Wickersham
Alternate: Don Kaiserman (A)
- JLC Representative to BVS Committees:
 - Cemeteries
Primary: Charlie Montgomery
Alternate: George Corbett (A)
 - Care Centers
Primary: Dan Dennison
Alternate: Chip Moran (A)
 - Benefits
Primary: Perry C. Taylor
Alternate: Dan Karnes (A)
 - Veteran Entrepreneurship Study Group
Primary: Lauren Augustine
Alternate: TBD
- JLC Representative to the Hampton Drug Court Veterans Tract Advisory Council
Primary: Rick Mansfield
Alternate: Bart Barton; Chip Moran
- JLC Representative Fairfax Veteran Treatment Docket
Primary: Dan Dennison
Alternate: Lauren Augustine

For More Information

Please visit the JLC page on the DVS website at <http://www.dvs.virginia.gov/dvs/joint-leadership-council-veterans-service-organizations/>

Or Contact:

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2016 Initiatives - Status

The JLC had great success working with the General Assembly in 2016. JLC Initiatives 2016-01 through 2016-08 were adopted and prioritized by the Joint Leadership Council of Veterans Service Organizations (the JLC) on July 15, 2015.

JLC Initiatives 2016-09 through 2016-12 were adopted by the Joint Leadership Council of Veterans Service Organizations (the JLC) on October 21, 2015.

<i>Initiative</i>	<i>Recommendation</i>	<i>Status</i>
JLC 2016-01 <i>Veterans Care Centers</i>	That the Governor and General Assembly continue state support for the Hampton Roads and Northern Virginia veterans care center construction projects by appropriating additional state funding to complete the construction of both centers.	<u>HB477</u> Del. Kirk Cox Signed by Governor \$29.3M in additional funding included in bond package, bringing total project budget to \$96M
JLC 2016-02 <i>DVS Benefits Services</i>	That the Governor and General Assembly 1) increase the Benefits Services division's budget by \$783,000 (GF) in FY17 and \$1,474,000 (GF) in FY18, and 2) increase staffing levels by six positions in FY17 and nine positions in FY18, to complete the three-year plan to strengthen and expand the DVS Benefits Services division.	No Legislation – Budget Amendments: Approved: <ul style="list-style-type: none"> • FY17: \$546,562 in new funding and 6 new FTEs • FY18: \$1,323,658 in new funding and 8 new FTEs Not approved: Budget Amendment Requests by Del. Mark Dudenhefer and Sen. Dick Black to bring funding/positions to JLC-recommended levels
JLC 2016-03 <i>VA Veteran & Family Support Services</i>	That the Governor and General Assembly appropriate an additional \$2,147,591 (GF) and authorize 39 new positions for VVFS in FY17 to convert VVFS to an all-state employee workforce. FY18 funding should be \$98,831 (GF) above FY17 levels.	No Legislation – Budget Amendments: Approved: <ul style="list-style-type: none"> • FY17: work group, chaired by Sec. Harvey, to review JLARC findings and make recommendations. Up to \$394,494 in new funding can be released after work group submits its report • FY18: \$786,987 in new funding and 15 new FTEs Not approved <ul style="list-style-type: none"> • Sen. Reeves amendment for \$786,987 in new funding in FY17
JLC 2016-04 <i>Virginia War Memorial</i>	That the Governor and General Assembly appropriate an additional \$509,985 (GF) in FY17 and \$800,235 (GF) in FY18, and authorize three additional positions, to ensure that the Virginia War Memorial has the resources necessary to accomplish its dual mission of honor and education.	No Legislation – Budget Amendments: Approved: <ul style="list-style-type: none"> • FY17: \$142,333 in new funding

		<ul style="list-style-type: none"> FY18: \$451,887 in new funding and 3 new FTEs Partially approved (FY18): Budget Amendment Request by Del. O'Bannon to bring funding/positions to JLC-recommended levels
JLC 2016-05 <i>Virginia Taxes and Veteran Service Organizations</i>	That the Governor and General Assembly pass legislation to extend to 501(c)(19) Veterans Service Organizations the exemptions provided for 501(c)(3) and 501(c)(4) organizations.	SB533 Sen. Scott Surovell – <i>Laid on the Table</i> ; HB21 Del. Peter Farrell – <i>Laid on the Table</i> HB63 Dels. Lingamfelter, Farrell Governor Signed
JLC 2016-06 <i>Bridge to Health Care Careers for Former Military Medics and Corpsmen</i>	That the Governor and General Assembly provide the budget support and pass the legislation necessary to assist former military medics and corpsmen in continuing to use their skills learned in the service and to place them on a path to careers in Virginia health care industry.	HB825 Del. Chris Stolle Governor Signed SB437 Sens. Barker, Dunnivant Governor Signed Approved Budget: <ul style="list-style-type: none"> FY17: \$400,000 in new funding and 3 new FTEs FY18: same as FY17
JLC 2016-07 <i>Guard Income Tax Subtraction</i>	That the Governor and General Assembly increase the state income tax subtraction level for members of the Virginia National Guard from \$3,000 to \$5,000 per year.	HB60 Del. Buddy Fowler – Continued to 2017
JLC 2016-08 <i>VCCS Veteran Advisors and Resource Centers</i>	That the Governor and General Assembly appropriate the funding necessary to establish dedicated Veteran Advisors and Resource Centers on Virginia Community College System campuses to coordinate and centralize campus efforts to aid veterans in transitioning from military service and achieving success on campus.	HB450 Del. Scott Taylor – <i>Amended to conform with Gov's introduced budget (7 campuses instead of 23)</i> Governor Signed Approved Budget: <ul style="list-style-type: none"> FY17: \$1.1M in new funding and 7 FTEs per FY to establish veterans advising positions on seven VCCS campuses FY18: same as FY17
JLC 2016-09 <i>Veterans Dockets</i>	That the Governor and General Assembly take the legislative and/or budget actions necessary to allow local courts to establish a Veterans Docket under the supervision of the Virginia Supreme Court.	HB96 Del. Scott Lingamfelter; SB26 Sens Bryce Reeves & SB317 Kenny Alexander – SB26 & SB317 were rolled together and along with HB96 passed by for the year. This was at the request of the SCVA. HB795 Del. Jay Leftwich – <i>Laid on the Table</i> <i>Note: applied to City of Chesapeake only; pilot program</i>
JLC 2016-10 <i>In-state tuition for all members of the Reserve Components</i>	That the Governor and the General Assembly change the eligibility for in-state tuition to include all members of the Virginia National Guard and the Reserve components, thus recognizing their service to the Commonwealth and treating them equally to the active components and veterans.	HB1176 Del. Rich Anderson – Left in Appropriation SB330 Sen. Linwood Lewis – Continued to 2017

<p>JLC 2016-11 <i>VMSDEP</i></p>	<p>That the Governor and General Assembly</p> <p>a. When determining eligibility for higher education benefits under the Virginia Military Survivors and Dependents Education Program (VMSDEP), remove the requirement that a veteran's disability rating be combat related. Instead, a permanent disability rating of at least 90%, plus satisfaction of the other requirements currently in the Code, would qualify a veteran's spouse or child for education benefits.</p> <p>Evaluate whether funding from other programs could potentially offset the increased cost to the VMSDEP.</p>	<p><u>HB1099</u> Del. Ron Villanueva – <i>Continued to 2017</i></p> <p><u>SB528</u> Sen. Richard Stuart – <i>Continued to 2017</i></p>
<p>JLC 2016-12 <i>Electronic Ballot Return</i></p>	<p>That the Governor and General Assembly promote the development, approval, and budgeting of secure procedures to permit the electronic return of absentee ballot by overseas uniformed military voters.</p>	<p><u>HB237</u> Del. Scott Lingamfelter – <i>Laid on the Table</i></p> <p><u>SB490</u> Sen. Bill DeSteph – <i>Failed to Report</i></p> <p>Budget Amendment Not Approved: Budget Amendment Request by Sen. Bill DeSteph for \$1,000,000 in FY17</p>

2017 Initiatives

The following initiatives were adopted by the Joint Leadership Council of Veterans Service Organizations (the JLC) on October 12, 2016 and presented to the Governor and General Assembly for consideration in the 2017 Session. Listed below is a summary of those recommendations and the actions taken.

<i>Initiative</i>	<i>Recommendation</i>
JLC 2017-01 <i>Virginia Veteran and Family Support Services</i>	That the Governor and General Assembly appropriate additional funds and new FTE positions for VVFS as requested by the work group.
JLC 2017-02 <i>Virginia War Memorial</i>	That the Governor and General Assembly appropriate additional \$100,000 (GF) FY18 to ensure the Virginia War Memorial has the resources necessary to accomplish its dual mission of honor and education.
JLC 2017-03 <i>Guard Income Tax Subtraction</i>	That the Governor and General Assembly increase the state income tax subtraction level for members of the Virginia National Guard from \$3,000 to \$5,000 per year.
JLC 2017-04 <i>In-state tuition for all members of the Reserve Components</i>	That the Governor and the General Assembly change the eligibility for in-state tuition to include all members of the Virginia National Guard and the Reserve components, thus recognizing their service to the Commonwealth and treating them equally to the active components and veterans.
JLC 2017-05 <i>VMSDEP</i>	That the Governor and General Assembly remove the requirement that a veteran's disability rating be combat related. Instead, a permanent service-connected disability rating of at least 90%, plus satisfaction of the other requirements currently in the Code, would qualify a veteran's spouse or child for VMSDEP benefits.
JLC 2017-06 <i>Electronic Ballot Return</i>	That the Governor and General Assembly enact legislation and provide budget support of a pilot program for the electronic return of absentee ballots by Virginia's deployed military service members to enfranchise their voting privileges.

Position Paper 2017-01: Virginia Veteran and Family Support Services

DRAFT

1. **Objective:** To put in place a new program goal and service delivery structure for the Virginia Veteran and Family Support (VVFS) program, in order to help Virginia’s veterans, Guardsmen, Reservists, and their families navigate the complex service provider environment to meet their behavioral health, rehabilitative, and supportive services needs.

2. **Background:**
 - a. VVFS was established in 2008 to ensure that Virginia veterans, Guardsmen, Reservists, and their families were connected to behavioral health, rehabilitative, and supportive services. It was the first state-level program of its kind in the nation.
 - b. A December 2015 report by the Joint Legislative Audit and Review Commission (JLARC) identified problems with the VVFS program’s design and service implementation. The JLARC report recommended that a working group be formed to review VVFS and submit recommendations to JLARC.
 - c. The VVFS Working Group, comprised of the Secretaries of Veterans and Defense Affairs and Health and Human Resources, and the JLARC Director, presented its recommendations to JLARC on November 14, 2016. The report recommended:
 1. That a new goal/purpose for VVFS be adopted to address the issues identified in the JLARC report, set clear expectations for VVFS, avoid duplication, and make clear that VVFS does not provide direct clinical case management;
 2. That the four key activities of VVFS should be awareness (general outreach, training, and standard data capture), intake (“triage” and identification of issues), planning & referral (development of a coordinated services plan, or CSP), and monitoring (of progress towards the CSP and potential service gaps);
 3. That the Code of Virginia be revised to clearly define the goal of VVFS and its key activities; to reflect lessons learned since the program was created in 2008; to incorporate the work of the 2015 JLARC study and the VVFS Working Group; and to reflect the evolving nature of veterans needs and services; and
 4. That revised staff roles and responsibilities be adopted.
 - d. The VVFS Working Group report outlined four options for the future VVFS program structure, and recommended that Option 3 (conversion to an all-state employee workforce) be adopted as the best way to achieve the revised VVFS program goal and to implement the four key VVFS activities. Implementing Option 3 will require an additional \$700,000 (GF) in FY18, plus the release of \$300,000 (GF) in FY17 for one-time expenses associated with implementing the new program structure.

3. **Discussion:**
 - a. VVFS plays a crucial role in helping Virginia veterans, Guardsmen, Reservists, and family members identify the issues that impact their physical or mental health and well-being, developing a coordinated services plan to navigate the complex web of services they require, and monitoring them on their journey to resilience and recovery.
 - b. The report of the VVFS Working Group identifies the changes that are required for VVFS to continue its vital mission.

Recommendation: That the Governor and General Assembly adopt the recommendations of the VVFS Working Group and appropriate the funding to implement the program structure outlined in Option 3.

Position Paper 2017-02: Virginia War Memorial

1. **OBJECTIVE:** To ensure that the Virginia War Memorial (the Memorial) has the personnel and financial resources necessary to operate the premier state-level memorial in the nation and accomplish its Code-mandated mission.
2. **BACKGROUND:**
 - a. Per § 2.2-2001.3(B) of the Code of Virginia: *“The mission of the Virginia War Memorial shall be to honor patriotic Virginians who rendered faithful service and sacrifice in the cause of freedom and liberty for the Commonwealth and the nation in time of war, honor all of Virginia’s veterans, preserve their history, educate the public, and inspire patriotism in all Virginians.”*
 - b. The Memorial has developed and implemented new and/or expanded programs and services to accomplish this mission.
 - c. The number of visitors increased from 19,000 in 2010 to over 71,000 in 2015, and could grow to over 100,000 per year once the expansion is complete.
 - d. The Governor and General Assembly have approved the construction of a 19,500 square foot expansion of the Memorial, expected to be completed in late 2017, to house the expanded programs and services and to accommodate the increasing number of visitors.
3. **DISCUSSION:**
 - a. The Virginia War Memorial is the premier state-level memorial in the nation.
 - b. The Memorial has developed and implemented new and/or expanded programs and services to accomplish its Code-mandated mission. As a result, the numbers of visitors to the Memorial has grown and will continue to grow.
 - c. A 19,500 square foot addition will come on line in late 2017.
 - d. To continue to deliver effective programs and services, and to accommodate the growth in the number of visitors, additional resources are required for:
 - i. Increased operating and security costs; and
 - ii. Expanded programs and services.
4. **RECOMMENDATION:** That the Governor and General Assembly appropriate an additional \$100,000 (GF) in FY18, to ensure the Virginia War Memorial has the resources necessary to accomplish its dual mission of honor and education.

Position Paper 2016-03: Increase State Tax Subtraction for National Guard to \$5,000

1. **OBJECTIVE:** Increase the state tax subtraction for members of the Virginia National Guard from \$3,000 to \$5,000 per year.
2. **BACKGROUND:**
 - a. The Code of Virginia, §58.1-322(C)(11) provides for a subtraction of “*The wages or salaries received by any person for active and inactive service in the National Guard of the Commonwealth of Virginia, not to exceed the amount of income derived from 39 calendar days of such service or \$3,000, whichever amount is less; however, only those persons in the ranks of O3 and below shall be entitled to the deductions specified herein.*”
 - b. The subtraction level has remained at \$3,000 since at least 1994.
3. **DISCUSSION:**
 - a. Soldiers and Airmen of the Virginia National Guard endure higher level of stressors in their service to the Commonwealth than do many citizens.
 - b. Economic factors place additional stressors on Guardsmen and their families.
 - c. Virginia Guardsmen work many hours in the performance of their Guard duties, making sacrifices of time, money, and family togetherness.
 - d. To have the same buying power as \$3,000 did in 1994, the tax subtraction would have to be increased to \$4,875.57 in 2016
(source: http://www.bls.gov/data/inflation_calculator.htm).
 - e. Increasing the state income tax subtraction from \$3,000 to \$5,000 would help balance and compensate for financial shortfalls incurred through Guard service and the necessity to balance their civilian jobs, family life, and service as a citizen-soldier.
4. **RECOMMENDATION:** That the Governor and General Assembly increase the state income tax subtraction level for members of the Virginia National Guard from \$3,000 to \$5,000 per year.

Position Paper 2016-04: In-state Tuition Eligibility for members of the Reserve Components

1. **OBJECTIVE:** Provide in-state tuition eligibility at public colleges and universities for all members of the Guard and Reserve components of the Armed Forces.
2. **BACKGROUND:**
 - a. Members of the Virginia National Guard and Armed Forces Reserve stationed and domiciled in Virginia, but with residency in another state, are not currently eligible for in-state tuition if they have not resided in Virginia for at least one-year.
 - b. Enlisting in the Virginia National Guard or Reserves is generally a six-year commitment to train, drill, and have their duty location in Virginia.
 - c. There is a growing reliance, both at the federal and state level, on the National Guard. During 2016 alone, the Virginia National Guard mobilized onto federal active duty more than 2,100 Soldiers and Airmen; one of our heaviest years supporting the global war on terrorism in 15 years.
 - d. Since September 11, 2001 over 15,000 Virginia Guardsmen have been mobilized for federal duty (providing them with the requisite 180 days of federal active duty) and over 8,000 Virginia Guardsmen have been called to state active duty supporting the Commonwealth during periods of emergency (which does not count toward their 180 days of federal active duty).
3. **DISCUSSION:**
 - a. The Commonwealth provides in-state tuition to active duty soldiers, activated (full-time) Reservists and Guardsmen on long term orders, veterans and dependents of active duty soldiers on orders are granted in-state tuition rates.
 - b. The requested legislation expands in-state tuition to all members of the Virginia National Guard and Reserve components who reside in Virginia, but who are currently required to meet the same residency guidelines as non-military persons.
 - c. The six-year commitment, along with their physical domiciliary presence within the Commonwealth, justifies immediate eligibility. Virginia National Guard potentially serve our country overseas for 12 months or longer and are called up to serve the Commonwealth in natural and other disasters.
 - d. Virginia is at a disadvantage in attracting talent, compared to our neighbor states:
 - i. North Carolina, West Virginia and Tennessee offer in-state tuition rates to ALL National Guard members.
 - ii. 18 States pay 100% of their Guardsmen public schools tuition rates.
 - e. This legislation will further bolster Governor McAuliffe's primary initiatives to "make Virginia the most military and veteran friendly state in the nation."
4. **RECOMMENDATIONS:** That the Governor and the General Assembly change the eligibility for in-state tuition to include all members of the Virginia National Guard and the Reserve components, thus recognizing their service to the Commonwealth and treating them equally to the active components and veterans.

Position Paper 2016-05: Virginia Military Survivors and Dependents Education Program

1. **OBJECTIVE:** To change eligibility for higher education benefits under the Virginia Military Survivors and Dependents Education Program (VMSDEP).

2. **BACKGROUND:**
 - a. The VMSDEP, formally known as the War Orphans Education Program, provides education benefits to spouses and children of military service members killed, missing in action, taken prisoner, or who became at least 90 percent disabled as a result of military service in an armed conflict.
 - b. Military service includes service in the United States Armed Forces, United States Armed Forces Reserves, and the Virginia National Guard.
 - c. Armed conflict includes military operations against terrorism or as the result of a terrorist act, a peace-keeping mission, or any armed conflict after Dec. 6, 1941.
 - d. Under VMSDEP, tuition and required fees are waived at Virginia public colleges and universities.
 - e. Students may also receive a stipend of up to \$1,800 per year toward the cost of room, board, books, and supplies. The amount of the stipend is dependent on the amount of funding appropriated (\$1,930,000 in FY16), the number of enrolled students, and their enrollment status.
 - f. Benefits are available for up to four years or the equivalent.

3. **DISCUSSION:**
 - a. Under current law, the veteran's 90% disability rating must have incurred during military operations against terrorism, on a peacekeeping mission, as a result of a terrorist act, or in any armed conflict.
 - b. In 2015, DVS denied 502 applicants due to the combat requirement.
 - c. The 2016 FIS for SB528 estimated the proposed legislation would result in a system-wide loss of tuition revenue of \$2,182,454 in FY17 and \$2,520,734 in FY18.
 - d. This is a potentially significant fiscal impact on higher education institutions, and additional general fund support may need to be appropriated to offset this loss of revenue. Evaluation may show whether funding from other programs such as the Virginia Tuition Assistance Grant Program and the Virginia Community College Tuition Grant for Foster Care could potentially offset the increased cost to VMSDEP.

4. **RECOMMENDATION:** That the Governor and General Assembly remove the requirement that a veteran's disability rating be combat related and within an armed conflict. Instead, a permanent, service-connected disability rating of at least 90%, plus satisfaction of the other requirements currently in the Code, would qualify a veteran's spouse or child for VMSDEP benefits.

Position Paper 2016-06: Electronic Return of Voted Ballots by Overseas Military

1. **OBJECTIVE:** Enfranchise Virginia's Overseas Uniformed Service Personnel's votes by enacting Electronic Return of Voted Absentee Ballots by encrypted means.

2. **BACKGROUND:**

- a. Currently an overseas voter can electronically register and receive an absentee ballot per the Uniformed & Overseas Absentee Voter Act (UOCAVA). By current Virginia Code the ballot must be returned via "snail" mail.
- b. It is a fact that mail from overseas is subject to significant delays resulting in the untimely return of "snail" mail and many votes not counting due to ballots reaching local registrars after Election Day, if at all.
- c. For the general elections from 2010-2014, 5,050 ballots were requested by overseas deployed Virginia service members. Of those, 2,231 (44%) ballots were returned by mail or in person in time to be counted, 134, ballots were rejected and not counted, and 2,675 (53%) were not returned.
- d. As of 2015, a reliable statistical model estimates Virginia service members serving overseas includes **9,760** personnel eligible to vote.
- e. *Everyone Counts* a U.S. founded and owned encrypted voting software company has provided a Rough Order of Magnitude Cost Projection to install a secure pilot test program statewide for \$400,000. The company's software is platform independent and encrypted to secure the integrity of the submitted ballots.
- f. The state of Alabama approved and used this company for a successful pilot program for their March 1, 2016 Presidential primary.

3. **DISCUSSION:**

- a. The State Board of Elections has expressed confidence in developing procedures to address privacy and security concerns related to the electronic transmission, management and counting of absentee ballots.
- b. FBI Director, James Comey, is on the record, "I love strong encryption. It protects us in so many ways from bad people, it takes us to a place [of] absolute privacy..."
- c. According to NCSL on July 27, 2015, and reported in the SBE SB11 Working Report, "**Building a Secure Electronic Return of Marked Ballots Solution for our Overseas Military Voters**": "Two states provide an internet portal for the return of marked ballots, while 27 states provide for e-mail return of marked ballots and 31 provide for fax return of marked ballots."
- d. General Assembly approval of a pilot installation in 2017 is required to permit electronic return of the voted ballot from uniformed military personnel serving overseas.

4. **RECOMMENDATION:** That the Governor and General Assembly enact legislation and provide budget support of a pilot program for the electronic return of absentee ballots by Virginia's deployed military service members to enfranchise their voting privileges.