



NCSL

# State Policy Options

A Report of the NCSL Military and  
Veterans Affairs Task Force





Military & Veterans Affairs Task Force

<http://www.legislativestatemap.org>

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# Introduction

The National Conference of State Legislatures (NCSL) is a bipartisan organization that serves the legislators and staffs of the nation's 50 states, its commonwealths and territories.

NCSL provides research, technical assistance and opportunities for policymakers to exchange ideas on the most pressing state issues. NCSL is an effective and respected advocate for the interests of the states in the American federal system. Its objectives are:

- ★ To improve the quality and effectiveness of state legislatures.
- ★ To promote policy innovation and communication among state legislatures.
- ★ To ensure state legislatures a strong, cohesive voice in the federal system.

NCSL operates from offices in Denver, Colorado, and Washington, D.C.

NCSL appreciates the opportunity to partner with the United States Department of Defense (DoD) to further the work of the NCSL Executive Committee Task Force on Military and Veterans Affairs. The NCSL Executive Committee created the task force to examine issues affecting military sustainability, military-community relations, encroachment into military installations, and the health, wellbeing and overall quality of life of America's service members and their families. The issues being studied by the Task Force are development near military installations; military-community partnerships to respond to 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.

This report informs state legislators and their staff about a broad range of state policy options enacted in response to the ever-growing challenges facing today's military.

Each section summarizes a unique sustainability challenge, policy options states have considered to address those issues, a map identifying which states have enacted those policy options, and, hyperlinks to the state statute or code.

This report complements three policy primers co-published with the Department of Defense, including "Working With State Legislators: A Guide for Military Installations," "Strengthening Military-Community Partnerships: Land Use, Clean Energy and Mission Change," and "Supporting Defense Communities: State and Military Lessons Learned."

# 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 affect the

quality of life for people living and working nearby.

## Policy Options

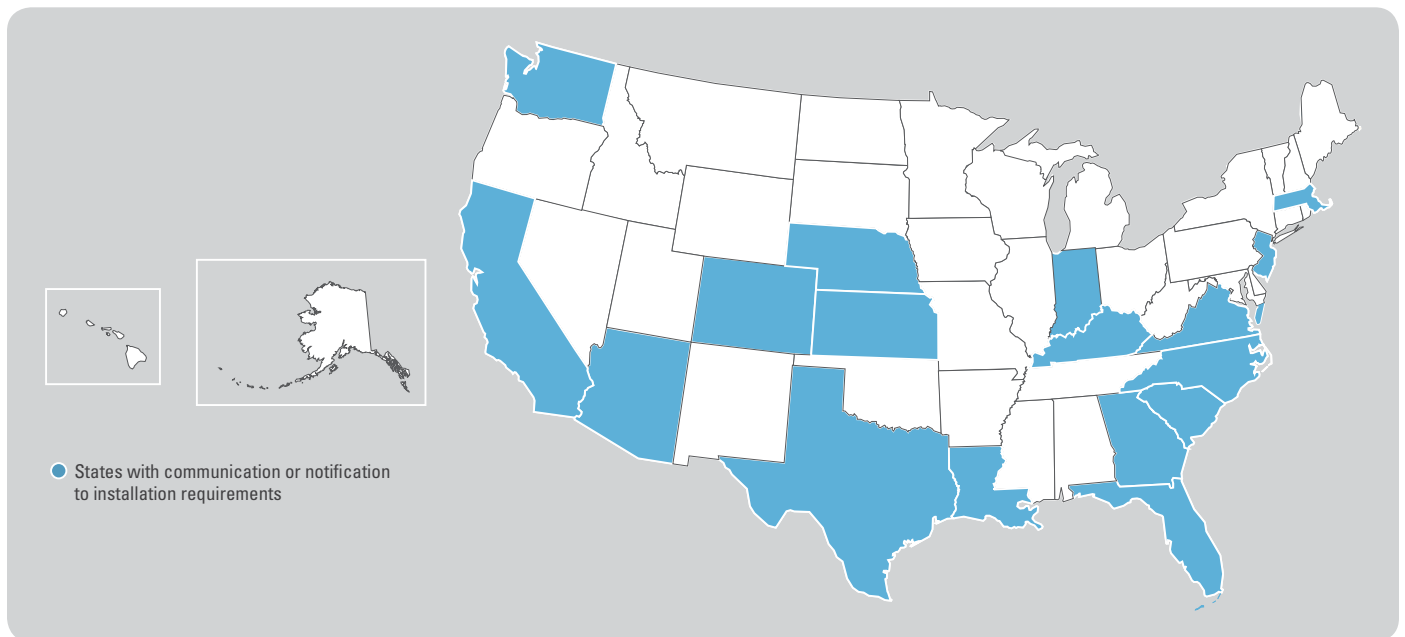
In most states, the framework for how local governments conduct land use planning is set by the state legislature. By notifying and giving military installations the opportunity to participate in the planning process, state legislatures can

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

Seventeen states require communication with or notification to installations concerning land use changes. 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>
  - ★ <http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/legtext/46leg/2r/laws/0235.htm>
  - ★ <http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/legtext/46leg/2r/laws/0111.htm>
  - ★ <http://www.azleg.gov/FormatDocument.asp?inDoc=/legtext/47leg/2r/laws/0090.htm>
  - ★ <http://www.azleg.state.az.us/legtext/46leg/2r/bills/hb2662s.pdf>
- ★ 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.
  - ★ <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=prc&group=21001-22000&file=21080-21098>
  - ★ <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=65001-66000&file=65940-65945.7>
- ★ Kentucky requires local planning entities to consult with the military commander to determine in land use planning needs.
  - ★ <http://www.lrc.ky.gov/KRS/100-00/187.PDF>
- ★ 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.
  - ★ [http://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter\\_153A/GS\\_153A-323.html](http://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_153A/GS_153A-323.html)
  - ★ [http://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter\\_160A/GS\\_160A-364.html](http://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_160A/GS_160A-364.html)
- ★ 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.
  - ★ <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+15.2-2204>
- ★ 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.”
  - ★ <http://apps.leg.wa.gov/RCW/default.aspx?cite=36.70A.530>

# 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

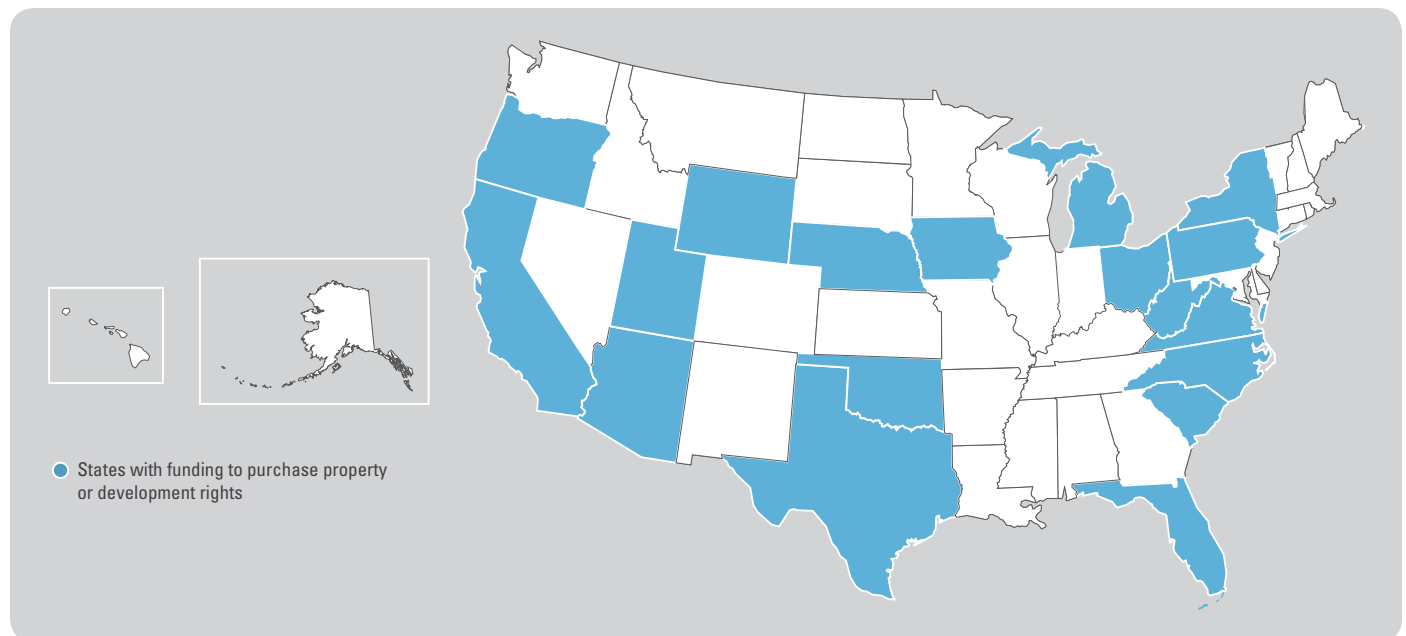
One way states can ensure compatible land use around military installations is to create “buffer” areas by purchasing property or development rights.

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

Eighteen states have passed laws creating funding, or funding mechanisms, to support projects that protect and sustain land use compatibility near military installations.





## 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.
  - ★ <http://www.azleg.gov/FormatDocument.asp?inDoc=/ars/41/01512-01.htm&Title=41&DocType=ARS>
  - ★ <http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/legtext/46leg/2r/laws/0235.htm>
- ★ Florida enacted the Forever Act in 1999, a 10-year, \$3 billion program to acquire valuable conservation land, including land adjacent to or near military installations.
  - ★ [http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=Ch0288/SEC980.HTM&Title=->2009->Ch0288->Section%20980#0288.980](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=Ch0288/SEC980.HTM&Title=->2009->Ch0288->Section%20980#0288.980)
  - ★ [http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=Ch0259/SEC032.HTM&Title=->2009->Ch0259->Section%20032#0259.032](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=Ch0259/SEC032.HTM&Title=->2009->Ch0259->Section%20032#0259.032)
- ★ Oklahoma enacted the Oklahoma Military Base Protection Grant Program that provides matching grants to local communities in 2006.
  - ★ [http://webserver1.lsb.state.ok.us/2005-06bills/SB/SB1675\\_ENR.RTF](http://webserver1.lsb.state.ok.us/2005-06bills/SB/SB1675_ENR.RTF)
  - ★ <http://www2.lsb.state.ok.us/os/os%5F74%2D5403.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.
  - ★ [http://info.sos.state.tx.us/pls/pub/readtac\\$ext.TacPage?sl=T&app=9&p\\_dir=N&p\\_rloc=138341&p\\_tloc=&p\\_ploc=1&pg=2&p\\_tac=&ti=1&pt=1&ch=3&rl=9435](http://info.sos.state.tx.us/pls/pub/readtac$ext.TacPage?sl=T&app=9&p_dir=N&p_rloc=138341&p_tloc=&p_ploc=1&pg=2&p_tac=&ti=1&pt=1&ch=3&rl=9435)
  - ★ <http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.431.htm>
  - ★ <http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.436.htm>
  - ★ <http://www.statutes.legis.state.tx.us/Docs/LG/htm/LG.501.htm#501.101>
  - ★ <http://www.statutes.legis.state.tx.us/Docs/LG/htm/LG.501.htm#501.104>

# Land Use Planning and Compatible Land Use Statutes

## Issue

Indiscriminate development near or around military installations can seriously 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.

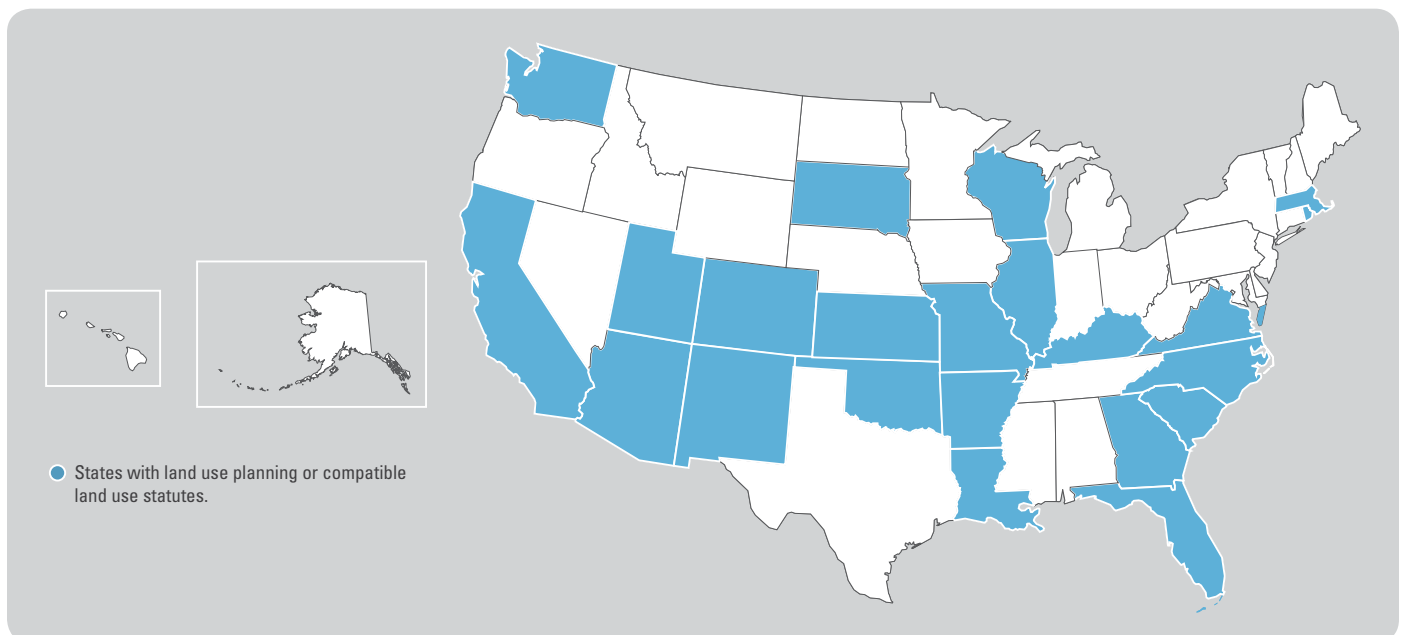
## Policy Options

Twenty-two 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. 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

Twenty-two states have enacted legislation on land use planning.



## 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/ars/28/08480.htm>

- ★ <http://www.azleg.state.az.us/ars/28/08481.htm>

- ★ <http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/ars/28/08482.htm&Title=28&DocType=ARS>

- ★ <http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/legtext/45leg/1r/laws/0023.htm>

- ★ <http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/legtext/46leg/2r/laws/0235.htm>

- ★ <http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/legtext/46leg/2r/laws/0111.htm>

- ★ <http://www.azleg.gov/FormatDocument.asp?inDoc=/legtext/47leg/2r/laws/0090.htm>

- ★ <http://www.azleg.state.az.us/legtext/46leg/2r/bills/hb2662s.pdf>

- ★ 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.

- ★ [http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?FileName=\\_h7129er.docx&DocumentType=Bill&BillNumber=7129&Session=2010](http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?FileName=_h7129er.docx&DocumentType=Bill&BillNumber=7129&Session=2010)

- ★ Kansas passed a law in 2010, that promotes better communication between local governments and military installations regarding land use and planning.

- ★ <http://www.kslegislature.org/bills/2010/2445.pdf>

- ★ Virginia requires local governments to “reasonably protect” military installations within their zoning ordinances.

- ★ <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+15.2-2223>

- ★ <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+15.2-2283>

- ★ <http://leg1.state.va.us/cgi-bin/legp504.exe?061+ful+CHAP0328>

- ★ <http://leg1.state.va.us/cgi-bin/legp504.exe?081+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.”

- ★ <http://apps.leg.wa.gov/RCW/default.aspx?cite=36.70A.530>

# Light Pollution or Dark Skies 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.

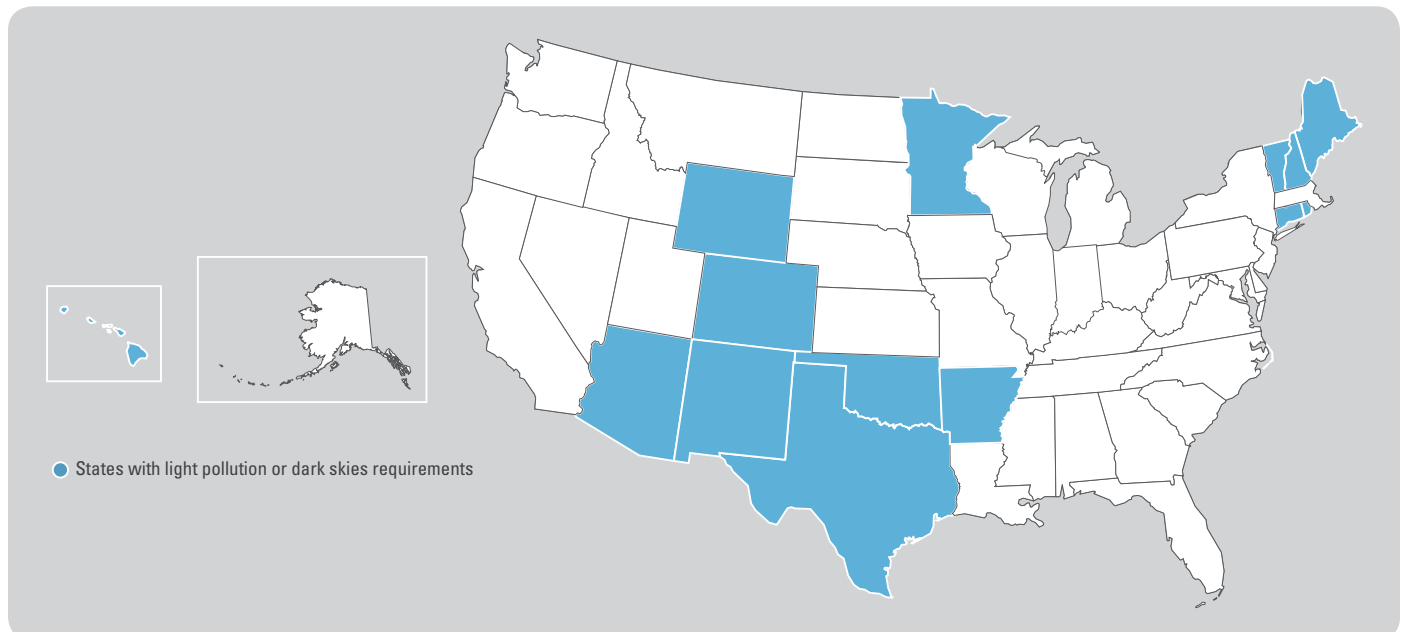
## Policy Options

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

Fourteen state legislatures have “dark skies” requirements that mandate or provide incentive for selecting and installing lighting that minimizes light pollution.



## 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.

- ★ <http://azleg.gov/FormatDocument.asp?inDoc=/ars/49/01102.htm&Title=49&DocType=ARS>

- ★ <http://azleg.gov/FormatDocument.asp?inDoc=/ars/49/01103.htm&Title=49&DocType=ARS>

- ★ <http://azleg.gov/FormatDocument.asp?inDoc=/ars/49/01106.htm&Title=49&DocType=ARS>

- ★ Arkansas requires public outdoor lighting fixtures to be shielded.

- ★ <http://www.arkleg.state.ar.us/bureau/Publications/Arkansas%20Code/Title%208.pdf> (Page 418)

- ★ 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/43cf6/43cf8/43eab/43ebe>

- ★ Texas allows the county, at the request of a U.S. military installation, to adopt orders regulating the installation and use of outdoor lighting within five miles of the installation.

- ★ <http://www.capitol.state.tx.us/tlodocs/81R/billtext/pdf/HB01013S.pdf>

# Real Estate or Neighboring Property Disclosure

## Issue

Military testing and training, by its very nature, can be loud and dusty. So, military installations were built intentionally in remote areas. Over the years, however, civilian populations have crept 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 adversely.

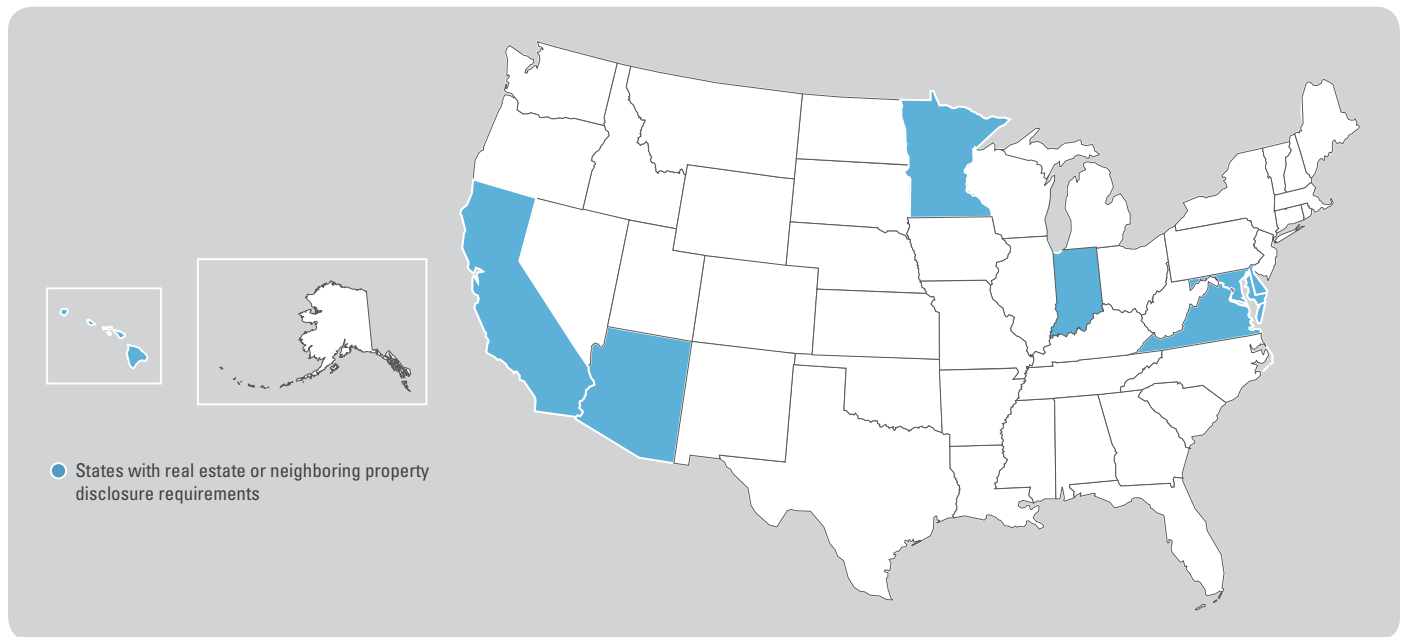
## Policy Options

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, to relieve future tensions over incompatible development or occupancy.

## Current Status

State legislatures in eight states require “full mission profile” disclosures to inform potential purchasers or lessees about the possible negative impacts of neighboring military activities.



## 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/FormatDocument.asp?inDoc=/ars/32/02113.htm&Title=32&DocType=ARS>
  - ★ <http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/ars/32/02114.htm&Title=32&DocType=ARS>
  - ★ <http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/ars/32/02115.htm&Title=32&DocType=ARS>
  - ★ <http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/ars/28/08484.htm&Title=28&DocType=ARS>
  - ★ <http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/ars/32/02114-01.htm&Title=32&DocType=ARS>
  - ★ <http://www.azleg.state.az.us/ars/28/08483.htm>
  
- ★ California requires the “disclosure of former ordinance locations” for residential real property.
  - ★ [http://www.dre.ca.gov/pdf\\_docs/excerpts2009.pdf](http://www.dre.ca.gov/pdf_docs/excerpts2009.pdf) (Page 185)
  
- ★ 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>

# Absentee Voting

## 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.

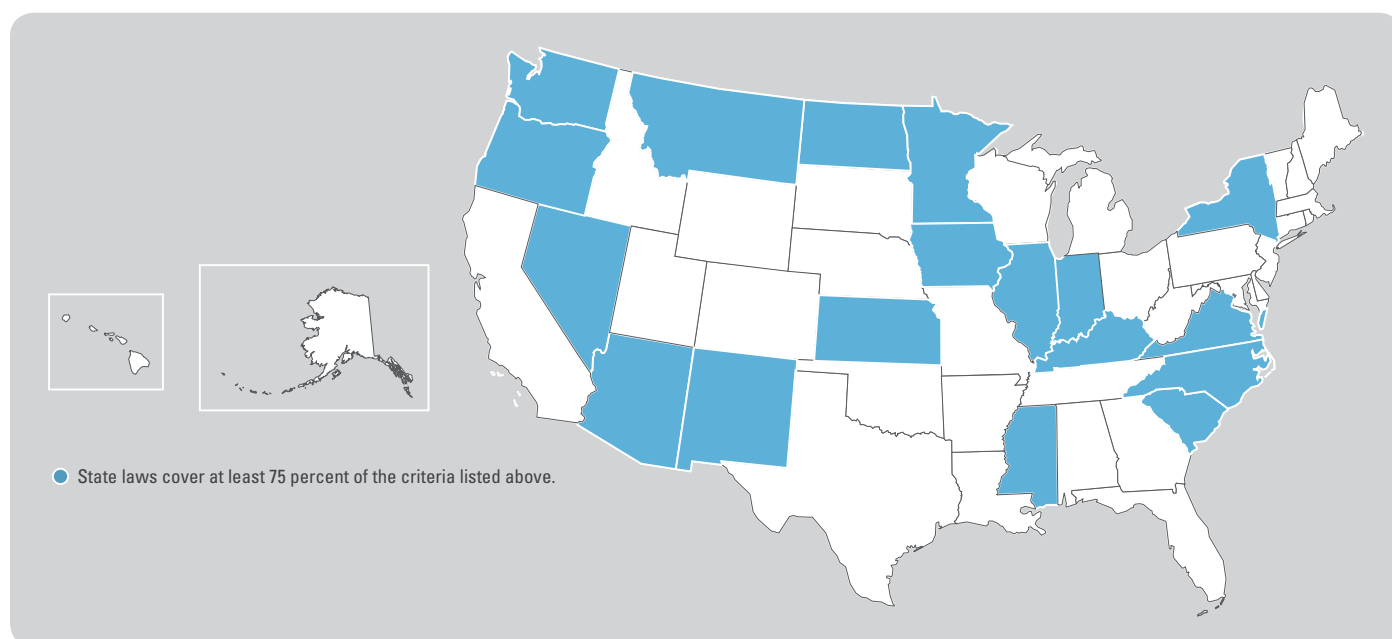
## Policy Options

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:

1. 45-day ballot transit time (30 percent of criteria).
2. Email and on-line transmission of voting materials (30 percent of criteria).
3. Expanded use of the federal write-in absentee ballot (20 percent of criteria).
4. Emergency authority for state chief election official (7 percent of criteria).
5. Removal of notary and witness requirements (4 percent of criteria).
6. Late registration procedures (7 percent of criteria).
7. Registration of citizens who have never resided in the U.S. (2 percent of criteria).

## Current Status

The Federal Voting Assistance Program maintains information on the states that have incorporated their seven voting initiatives, with weighted emphasis on the first three. Eighteen states have laws that cover at least 75 percent of the criteria.







## Examples of State Policy Approaches

FVAP distributes letters to state officials each fall outlining specific recommendations to consider, based on the seven best practices listed above. The 2010 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.

Information about UMOVA can be found at: <http://www.nccusl.org/Update/ActSearchResults.aspx>

# School Disruptions for Military Children During Transition and Deployment

## 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, and varies from location to location.

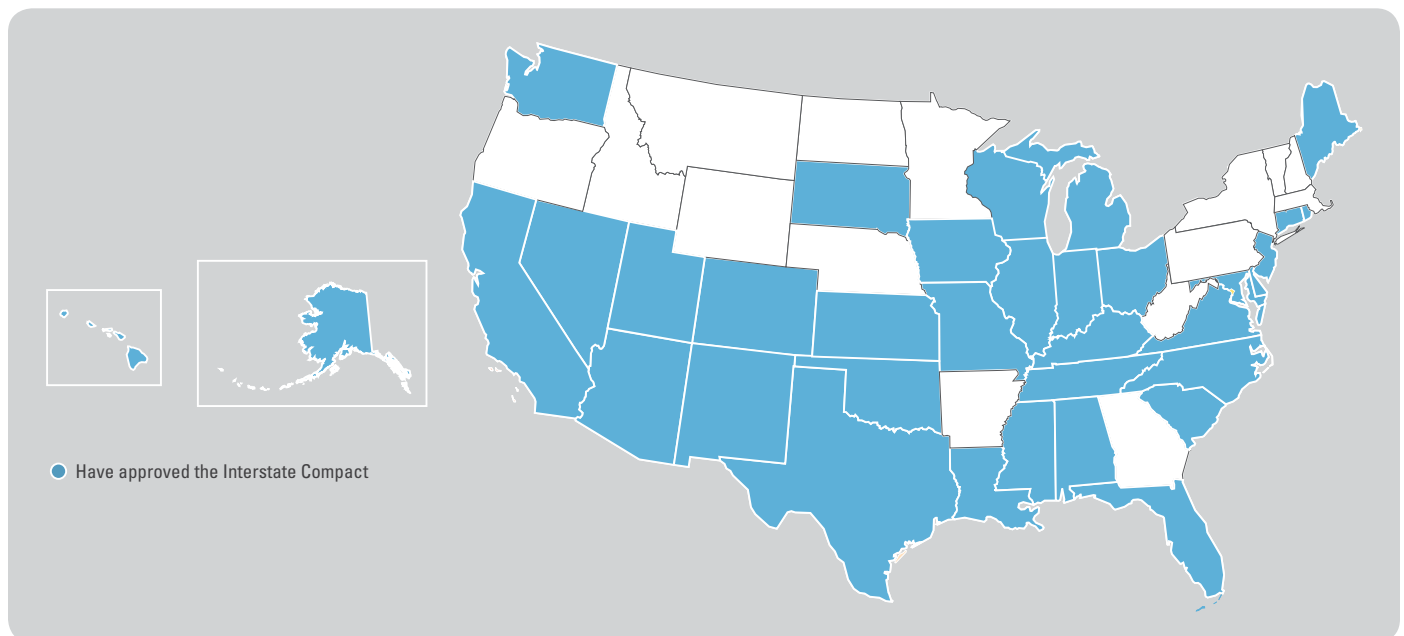
and coordination among the states by addressing eligibility enrollment, placement and graduation requirements.

## Policy Options

Beginning in 2008, state legislatures began ratifying the Interstate Compact on Educational Opportunity for Military Children. The compact seeks to bring consistency

## Current Status

Thirty-five states have joined the compact.





## Examples of State Policy Approaches

Information about 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>

# Child Custody Issues Facing Military Families

## 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 department 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 it could be a consideration.

## Policy Options

Protections should include these points:

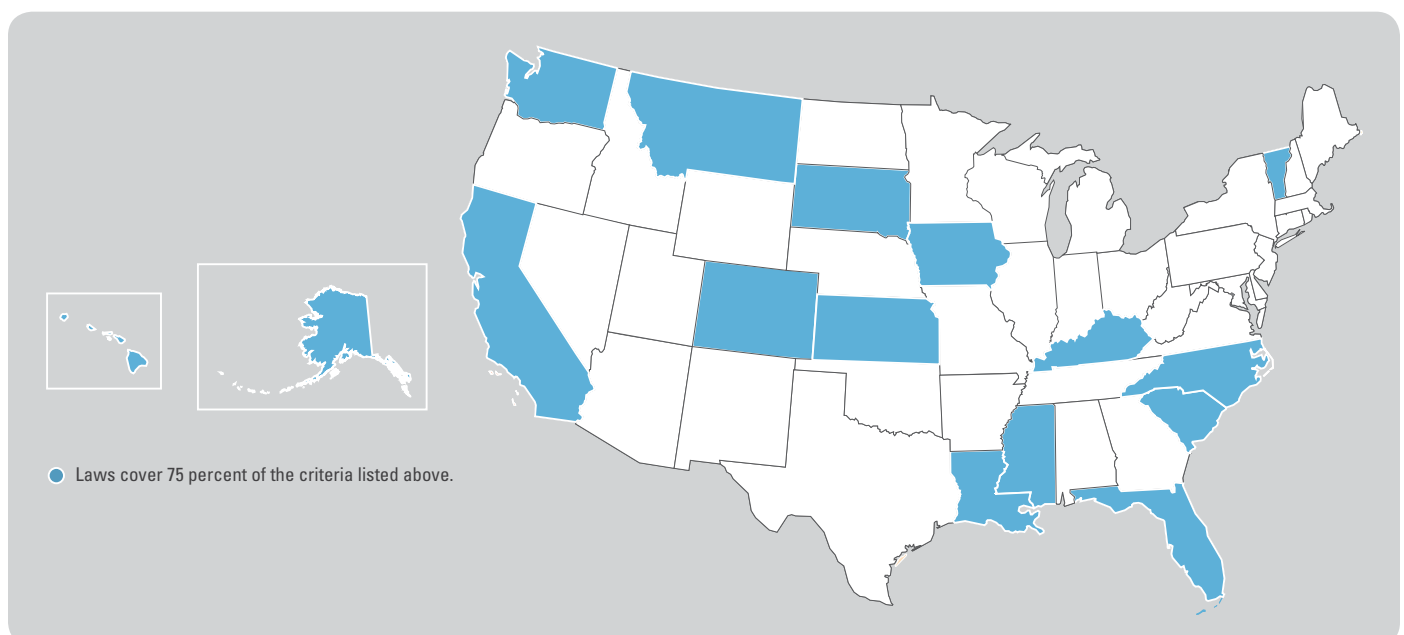
1. No permanent orders changing custody arrangements should be entered while the custodial parent is unavailable due to military service (20 percent of the criteria).
2. Past, current or possible future absences due to military service should not be the sole basis for altering a custody order in place before the absence (30 percent of criteria).
3. 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).
4. A service member with visitation rights should be allowed to petition the court to allow those visitation rights to be delegated to a third party during the service member's military absence (20 percent of criteria).

Additionally, states should:

1. Allow expedited hearings upon the request of a service member (5 percent of criteria); and
2. Let the court use electronic testimony when the service member is unavailable (5 percent of criteria).

## Current Status

Thirty-seven states address some aspect of the difficulties facing military parents who temporarily must give up custody of their children or forgo visitation. Of these, 16 states have laws that encompass 75 percent of the criteria listed above.



## Examples of State Policy Approaches

The following are examples of comprehensive legislation addressing the above listed substantive and procedural protections:

- ★ Washington enacted “Parenting Plan Modifications—Military Service,” in 2009.  
  
★ <http://cs.mhf.dod.mil/content/dav/mhf/QOL-Library/Project Documents/USA4 Military Families/SSB1170%28Washington State%29%5B1%5D.pdf>
  
- ★ Vermont enacted “an act relating to military parents’ rights,” in 2010.  
  
★ <http://cs.mhf.dod.mil/content/dav/mhf/QOL-Library/Project Documents/USA4 Military Families/ACT069%5B1%5DISSUE 2 Vermont.pdf>
  
- ★ 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](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>

# State Laws and DoD Rules on Disposition

## 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.

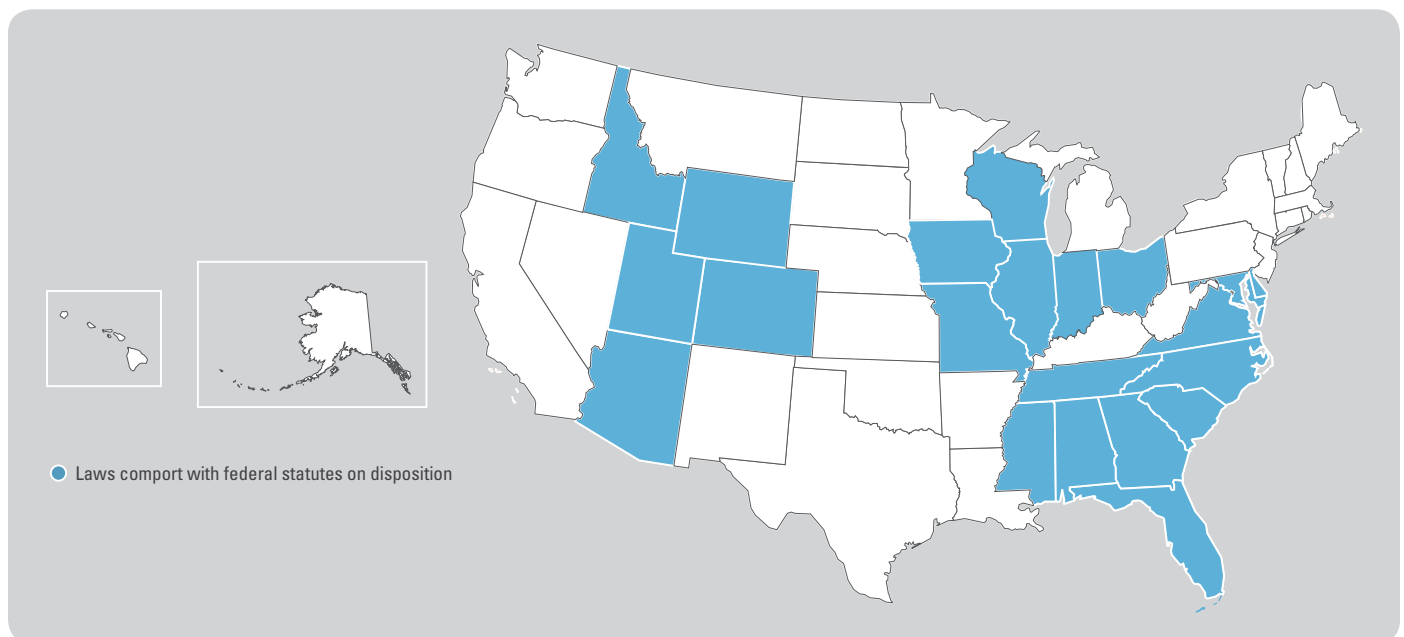
difficult times, states can amend their laws to recognize the DD Form 93. This can reduce conflict between state and federal law and ensure that the final wishes of service members are carried out in a timely manner.

## Policy Options

In order to maintain consistency, and to ensure a streamlined process for families during

## Current Status

Twenty-one states recognize the DD Form 93 or require a certain type of supporting document for disposition of military service members' remains.





## Examples of State Policy Approaches

The following are bills enacted in 2010 that recognize the federal DD Form 93:

★ Arizona: HB 2400

★ <http://cs.mhf.dod.mil/content/dav/mhf/QOL-Library/Project%20Documents/USA4%20Military%20Families/Issue%209%20Arizona%20hb2400h%5B1%5D.pdf>

★ Mississippi: SB 2418

★ <http://cs.mhf.dod.mil/content/dav/mhf/QOL-Library/Project%20Documents/USA4%20Military%20Families/Issue%209%20Mississippi%20SB%202418SG%5B1%5D.pdf>

★ Maryland: SB 408

★ <http://cs.mhf.dod.mil/content/dav/mhf/QOL-Library/Project%20Documents/USA4%20Military%20Families/Issue%209%20Maryland%20sb0408e%5B1%5D.pdf>

# Predatory Lending

## Issue

As part of the FY2007 National Defense Authorization Act, Congress authorized the Department of Defense to regulate certain lending products and practices offered to service members. On October 1, 2007, 32 CFR Part 232 went into effect placing limits on three types of short term credit: payday loans, vehicle title loans, and tax refund anticipation loans.

Regulation enforcement was delegated to the states over the products they supervise (payday and vehicle title loans). Currently, all states authorizing these loans use the regulation as part of their examination of the financial institutions they oversee. Some states, however, currently do not have the capability to enforce the regulation.

## Policy Options

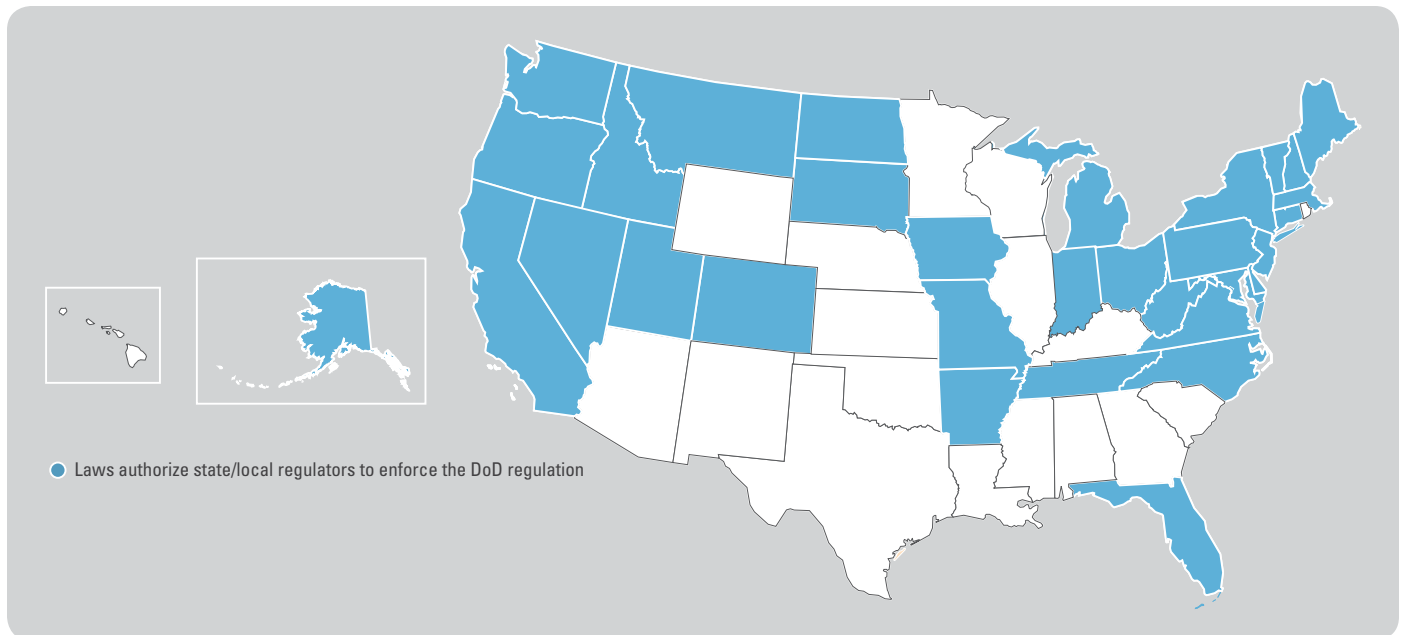
Many states grant regulators authority by adding references to statutory language such as: "any other law in the course of its or his or her dealings as a licensee," "any other applicable law," or "federal statute, rule, or regulation pertaining to consumer credit."

By granting regulators authority to enforce the provisions of 32

CFR Part 232, in addition to using the regulation as part of their examination, states can ensure that lenders are accountable and service men and women are protected from lending practices deemed predatory by the Department of Defense.

## Current Status

Thirty-three state legislatures have enacted measures granting authority to state regulators to enforce the provisions of 32 CFR Part 232.





## Examples of State Policy Approaches

The following are two examples of predatory lending legislation.

- ★ Montana enacted legislation that supports the enforcement of the DoD regulation.
  - ★ <http://cs.mhf.dod.mil/content/dav/mhf/QOL-Library/Project%20Documents/USA4%20Military%20Families/SB54.pdf>
  
- ★ Delaware enacted legislation that provides regulators authority to enforce applicable statutes and regulations “of the United States,” including DoD regulation.
  - ★ <http://cs.mhf.dod.mil/content/dav/mhf/QOL-Library/Project%20Documents/USA4%20Military%20Families/SB%20145.pdf>







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