

HOUSE No. 4095

Text of an amendment (House, No. 4088, published as amended) to the Senate Bill relative to veterans' access, livelihood, opportunity, and resources (Senate, No. 2254). May 16, 2012

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

By striking out all after the enacting clause and inserting in place thereof the following:—

1 By striking out all after the enacting clause and inserting in place thereof the following:—

2 ¶SECTION 1. Section 61 of chapter 7 of the General Laws, as appearing in the 2010
3 Official Edition, is hereby amended by striking out, in line 30, the word “banks” and inserting in
4 place thereof the following words:- , lending institutions.

5 ¶SECTION 2. Said section 61 of said chapter 7 of the General Laws, as so appearing, is
6 hereby further amended by striking out the words “minority and women”, in lines 32 and 33,
7 lines 37 and 64, and inserting in place thereof, in each instance, the following words:- minority,
8 women and veterans.

9 ¶SECTION 3. Said section 61 of said chapter 7, as so appearing, is hereby further
10 amended by striking out subsection (h) and inserting in place thereof the following subsection:-

11 (h) SDO shall seek to encourage voluntary assistance programs by which non-minority,
12 non-women and non-veteran business employees are loaned to minority, women and veteran
13 businesses or by which minority, women and veteran business persons are taken into viable
14 business ventures to acquire training and experience in managing business affairs.

¶SECTION 4. Said section 61 of said chapter 7, as so appearing, is hereby further amended by inserting after subsection (i) the following subsection:-

(i½) SDO shall promulgate regulations to encourage and facilitate participation on public projects for service-disabled veteran-owned small businesses interested in and capable of providing construction and design services on public construction and design projects. For the purposes of this subsection, “service-disabled veteran-owned small business” shall mean a business that is verified by the federal government’s Department of Veterans Affairs pursuant to the Veterans Benefits, Health Care, and Information Technology Act of 2006, Pub. L. 109-461, and determined to be a service-disabled veteran-owned small business concern in accordance with 38 CFR Part 74 and Pub. L. 111-275.

¶SECTION 4A. Section 35CC of Chapter 10 of the General Laws, as so appearing in the 2010 Official Edition, is hereby amended by striking out in line 14 the figure “\$75,000” and inserting “\$100,000”.

¶SECTION 5. Section 35CC of chapter 10 of the General Laws, as so appearing, is hereby amended by inserting after the word “families”, in line 6, the following words:- , including immediate family members of certain active duty members of the armed forces who were killed in action, also known as Gold Star Families.

¶SECTION 6. Chapter 15A of the General Laws is hereby amended by adding the following section:-

Section 42. (a) The council shall develop and adopt a written policy requiring each public institution of higher education to develop a set of written policies and procedures governing the evaluation of a student’s military occupation, military training, coursework and experience, to

determine whether academic credit shall be awarded by the institution for the evaluated occupation, experience, training and coursework. The council's policy may require that the occupation or occupations, training, experience or courses meet the standards of the American Council on Education or equivalent standards for awarding academic credit. The council may also develop and adopt a written policy requiring each public institution of higher education to develop a set of written policies and procedures to standardize credit-by-exam equivalencies for exams funded through the department of defense. The educational credit shall be awarded based upon each institution's admissions standards and shall be consistent with the mission of the commonwealth's system of public higher education, as defined by the council under section 1. Each public institution of higher education shall designate a single point of contact for a student who is enrolled in such an institution and who is also a veteran, as defined in clause Forty-third of section 7 of chapter 4 to conduct such an evaluation and determination.

(b) The council shall consult with the chief executive officers of each public institution of higher education in implementing the policy set forth in subsection (a) and the policy adopted by the council shall, to the greatest extent possible, provide for consistent application by all the commonwealth's public institutions of higher education and promote accurate and complete academic counseling.

¶SECTION 7. The General Laws are hereby amended by inserting after chapter 15D the following chapter:-

Chapter 15E

Interstate Compact on Educational Opportunity for Military Children

Section 1. As used in this chapter, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

“Active duty”, full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. sections 1209 and 1211.

“Children of military families”, a school-aged child, enrolled in kindergarten through grade 12, in the household of an active duty member.

"Compact commissioner", the voting representative of each compacting state appointed pursuant to section 7 of this compact.

“Deployment”, the period 1 month prior to the service members’ departure from the members’ home station on military orders to 6 months after returning to the members’ home station.

“Education records”, those official records, files and data directly related to a student and maintained by the school or local education agency, including, but not limited to, records encompassing all the material kept in the student's cumulative folder such as general identifying data, records of attendance and of academic work completed, records of achievement and results of evaluative tests, health data, disciplinary status, test protocols and individualized education programs.

“Extracurricular activities”, a voluntary activity sponsored by the school or local education agency or an organization sanctioned by the local education agency. Extracurricular

activities include, but are not limited to, preparation for and involvement in public performances, contests, athletic competitions, demonstrations, displays and club activities.

“Interstate commission on educational opportunity for military children” or “interstate commission”, the commission that is created under section 8 of this compact.

“Local education agency”, a public authority legally constituted by the state as an administrative agency to provide control of and direction for kindergarten through grade 12 public educational institutions.

“Member state”, a state that has enacted this compact.

“Military installation”, a base, camp, post, station, yard, center, homeport facility for any ship or other activity under the jurisdiction of the Department of Defense, including any leased facility, which is located within any of the several states, the District of Columbia, the commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Northern Marianas Islands and any other United States territory. Such term does not include any facility used primarily for civil works, rivers and harbors projects or flood control projects.

“Non-member state”, a state that has not enacted this compact.

“Receiving state”, the state to which a child of a military family is sent, brought or caused to be sent or brought.

“Rule”, a written statement by the interstate commission promulgated under section 11 of this compact that is of general applicability, implements, interprets or prescribes a policy or provision of the compact or an organizational, procedural or practice requirement of the

interstate commission and has the force and effect of statutory law in a member state, and includes the amendment, repeal or suspension of an existing rule.

“Sending state”, the state from which a child of a military family is sent, brought or caused to be sent or brought.

“State”, a state of the United States, the District of Columbia, the commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Northern Marianas Islands and any other United States territory.

“Student”, the child of a military family for whom the local education agency receives public funding and who is formally enrolled in kindergarten through grade 12.

“Transition”, the formal and physical process of transferring from school to school or the period of time in which a student moves from 1 school in the sending state to another school in the receiving state.

“Uniformed services”, the Army, Navy, Air Force, Marine Corps, Coast Guard, including the Commissioned Corps of the National Oceanic and Atmospheric Administration, and Public Health Services.

“Veteran”, a person who served in the uniformed services and who was discharged or released from service under conditions other than dishonorable.

Section 2. (a) Except as otherwise provided in subsection (b), this compact shall apply to the children of:

(1) active duty members of the uniformed services;

(2) members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of 1 year after medical discharge or retirement; and

(3) members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of 1 year after death.

(b) This interstate compact shall only apply to local education agencies.

(c) This compact shall not apply to the children of:

(1) inactive members of the national guard and military reserves;

(2) members of the uniformed services now retired, except as provided in subsection (a);

(3) veterans of the uniformed services, except as provided in subsection (a); and

(4) other United States Department of Defense personnel and other federal agency civilian and contract employees not defined as active duty members of the uniformed services.

Section 3. (a) If official education records cannot be released to the parents for the purpose of transfer, the custodian of the records in the sending state shall prepare and furnish to the parent a complete set of unofficial education records containing uniform information as determined by the interstate commission. Upon receipt of the unofficial education records by a school in the receiving state, the school shall enroll and appropriately place the student based on the information provided in the unofficial records, pending validation by the official records, as soon as possible.

(b) Simultaneous with the enrollment and conditional placement of the student, the school in the receiving state shall request the student's official education records from the school

in the sending state. Upon receipt of this request, the school in the sending state shall process and furnish the official education records to the school in the receiving state within 10 days or within the time as is reasonably determined under the rules promulgated by the interstate commission.

(c) Compacting states shall give 30 days from the date of enrollment or within the time as is reasonably determined under the rules promulgated by the interstate commission for students to obtain any immunizations required by the receiving state. For a series of immunizations, initial vaccinations shall be obtained within 30 days or within the time as is reasonably determined under the rules promulgated by the interstate commission.

(d) Students shall be allowed to continue enrollment at the grade level in the receiving state that is equal with the grade level from the local education agency in the sending state at the time of transition, regardless of age. A student that has satisfactorily completed the prerequisite grade level in the local education agency in the sending state shall be eligible for enrollment in the next highest grade level in the receiving state, regardless of age. A student transferring after the start of the school year in the receiving state shall enter the school in the receiving state at the level validated by an accredited school in the sending state.

Section 4. (a) When a student transfers before or during the school year, the receiving state school shall initially honor placement of the student in educational courses based on the student's enrollment in the sending state school or educational assessments conducted at the school in the sending state if the courses are offered and space is available. Course placement shall include, but not be limited to, honors, international baccalaureate, advanced placement, vocational, technical and career pathways courses. Continuing the student's academic program from the previous school and promoting placement in academically and career challenging

courses should be paramount when considering placement. This shall not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement and continued enrollment of the student in the courses.

(b) The receiving state school shall initially honor placement of the student in educational programs based on current educational assessments conducted at the school in the sending state or participation or placement in like programs in the sending state. Such programs shall include, but not be limited to: (i) gifted and talented programs; and (ii) English as a second language programs. This shall not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

(c) In compliance with the federal requirements of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. section 1400 et seq, the receiving state shall initially provide comparable services to a student with disabilities based on: (i) the student's current individualized education program; (ii) the requirements of section 504 of the Rehabilitation Act, 29 U.S.C. section 794; and (iii) title II of the Americans with Disabilities Act, 42 U.S.C. sections 12131-12165. The receiving state shall make reasonable accommodations and modifications to address the needs of incoming students with disabilities, subject to an existing 504 or title II plan, to provide the student with equal access to education. This shall not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

(d) Local education agency administrative officials shall have flexibility in waiving course or program prerequisites or other preconditions for placement in courses or programs offered under the jurisdiction of the local education agency.

(e) A student whose parent or legal guardian is an active duty member of the uniformed services and has been called to duty for, is on leave from or immediately returned from deployment to a combat zone or combat support posting, may be granted additional excused absences at the discretion of the local education agency superintendent to visit with that parent or legal guardian on leave or preparing for or returning from deployment.

Section 5. (a) The following shall be required to be eligible for enrollment in the receiving state's school:

(1) special power of attorney, relative to the guardianship of a child of a military family and executed under applicable law, shall be sufficient to enroll or take any other action requiring parental participation and consent under this compact;

(2) a local education agency shall not charge local tuition to a transitioning military child placed in the care of a non-custodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent; and

(3) a transitioning military child placed in the care of a non-custodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent, may continue to attend the school in which the child was enrolled while residing with the custodial parent.

(b) State and local education agencies shall facilitate the opportunity for transitioning military children's inclusion in extracurricular activities, regardless of application deadlines, to the extent the children are otherwise qualified.

Section 6.

(a) To facilitate the on-time graduation of children of military families, local education agency administrative officials shall waive specific courses required for graduation if similar course work has been satisfactorily completed in another local education agency or shall provide reasonable justification for denial. Should a waiver not be granted to a student who would otherwise qualify to graduate from the sending school, the local education agency shall provide an alternative means of acquiring required coursework so that graduation may occur on time.

(b) To facilitate the on-time graduation of children of military families, receiving states may accept exit or end-of-course exams required for graduation from the sending state or national norm-referenced achievement tests or alternative testing, in lieu of testing requirements for graduation in the receiving state; require the student to take scheduled exit test in the receiving state, if the student is able to take the tests prior to the end of grade 12; or accept evidence or information from the sending or receiving district that demonstrates that the student has met the receiving state's graduation standard, either through a transcript of courses taken and grades received from the sending and or receiving district; a portfolio of work samples for the student that addresses the required high school standards; standardized norm-referenced test results in the subject required by the receiving state for graduation; or other relevant information.

(c) To facilitate the on-time graduation of children of military families, should a military student transferring at the beginning or during grade 12 be ineligible to graduate from the receiving local education agency after all alternatives in subsection (b) have been considered, the sending and receiving local education agencies shall ensure the receipt of a diploma from the sending local education agency if the student meets the graduation requirements of the sending local education agency. In the event that either the transferring or receiving state is not a member

of this compact, the member state shall use best efforts to facilitate the on-time graduation of the student under subsections (a) and (b).

Section 7. (a) Each member state shall, through the creation of a state council or use of an existing body or board, provide for the coordination among its agencies of government, local education agencies and military installations concerning the state's participation in and compliance with this compact and interstate commission activities. While each member state may determine the membership of its own state council, the membership shall include at least: (i) the state secretary of education; (ii) a superintendent of a school district with a high concentration of military children; (iii) a representative from a military installation; (iv) 1 representative from the legislature; (v) 1 representative from the executive branch; and (vi) other offices and stakeholder groups that the state council deems appropriate. A member state that does not have a school district deemed to contain a high concentration of military children may appoint a superintendent from another school district to represent local education agencies on the state council.

(b) The state council of each member state shall appoint or designate a military family education liaison to assist military families and the state in facilitating the implementation of this compact.

(c) The compact commissioner responsible for the administration and management of the state's participation in the compact shall be appointed by the governor or as otherwise determined by each member state.

(d) The compact commissioner and the military family education liaison designated under this compact shall be ex-officio members of the state council, unless either is already a full voting member of the state council.

Section 8. The compacting states hereby create the interstate commission on educational opportunity for military children. The activities of the interstate commission are the formation of public policy and are a discretionary state function. The interstate commission shall:

(a) be a body corporate and joint agency of the member states and shall have all the responsibilities, powers and duties set forth in this compact and additional powers as may be conferred upon it by a subsequent concurrent action of the respective legislatures of the member states under the terms of this compact;

(b) consist of 1 interstate commission voting representative from each member state who shall be that state's compact commissioner;

(c) entitle each member state represented at a meeting of the interstate commission to 1 vote;

(d) require a majority of the total member states to constitute a quorum for the transaction of business, unless a larger quorum is required by the by-laws of the interstate commission;

(e) prohibit the delegation of a vote from 1 member state to another member state; provided, however, that in the event the compact commissioner is unable to attend a meeting of the interstate commission, the governor or state council may delegate voting authority to another person from their state for a specified meeting;

(f) allow the by-laws to provide for meetings of the interstate commission to be conducted by telecommunication or electronic communication;

(g) consist of ex-officio, non-voting representatives who are members of interested organizations, as defined in the by-laws, which may include, but shall not be limited to, members of the representative organizations of military family advocates, local education agency officials, parent and teacher groups, the United States Department of Defense, the Education Commission of the States, the Interstate Agreement on the Qualification of Educational Personnel and other interstate compacts affecting the education of children of military members;

(h) meet at least once each calendar year, provided, that the chairperson may call additional meetings and upon the request of a simple majority of the member states, shall call additional meetings;

(i) establish an executive committee, whose members shall include the officers of the interstate commission and such other members of the interstate commission as determined by the by-laws; provided, that members of the executive committee shall serve a 1-year term and shall be entitled to 1 vote each; provided, further, that the executive committee shall have the power to act on behalf of the interstate commission, with the exception of rulemaking during periods when the interstate commission is not in session; provided further, that the executive committee shall oversee the day-to-day activities of the administration of the compact including enforcement and compliance with the compact, its by-laws and rules and other such duties as deemed necessary; and provided further that the United States Department of Defense shall serve as an ex-officio, non-voting member of the executive committee;

286 (j) establish by-laws and rules that provide for conditions and procedures under which the
287 interstate commission shall make its information and official records available to the public for
288 inspection or copying; provided, that the interstate commission may exempt from disclosure the
289 information or the official records that would adversely affect personal privacy rights or
290 proprietary interests;

291 (k) give public notice of all meetings and all meetings shall be open to the public, except
292 as set forth in the rules or as otherwise provided in the compact; provided, that the interstate
293 commission and its committees may close a meeting, or a portion of a meeting, when the
294 commission or committee determines by a two-thirds vote that an open meeting would likely:

295 (1) relate solely to the interstate commission's internal personnel practices and
296 procedures;

297 (2) disclose matters specifically exempted from disclosure by federal and state statute;

298 (3) disclose trade secrets or commercial or financial information which is privileged or
299 confidential;

300 (4) involve accusing a person of a crime or formally censuring a person;

301 (5) disclose information of a personal nature where disclosure would constitute an
302 unwarranted invasion of personal privacy;

303 (6) disclose investigative records compiled for law enforcement purposes; or

304 (7) relate specifically to the interstate commission's participation in a civil action or other
305 legal proceeding;

(l) cause its legal counsel or designee to certify that a meeting may be closed and shall reference each relevant exemptible provision for any meeting or portion of a meeting which is closed under this clause; provided, that the interstate commission shall keep minutes which shall clearly describe all matters discussed in a meeting and shall provide an accurate summary of actions taken and the reasons for those actions, including a description of the views expressed and the record of a roll call vote; provided further, that all documents considered in connection with an action shall be identified in the minutes; and provided further, that all minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the interstate commission;

(m) collect standardized data concerning the educational transition of the children of military families under this compact, as directed through its rules which shall specify the data to be collected, the means of collection and data exchange and reporting requirements; provided, that such methods of data collection, exchange and reporting shall, as much as reasonably possible, conform to current technology and coordinate its information functions with the appropriate custodian of records as identified in the by-laws and rules;

(n) create a process that permits military officials, education officials and parents to inform the interstate commission of alleged violations of the compact, its rules or when issues subject to the jurisdiction of the compact or its rules are not addressed by the state or local education agency; provided, that this section shall not be construed to create a private right of action against the interstate commission or any member state.

Section 9. The interstate commission may:

(a) provide for dispute resolution among member states;

328 (b) issue, upon request of a member state, advisory opinions concerning the meaning or
329 interpretation of the interstate compact, its by-laws, rules and actions;

330 (c) enforce compliance with the compact provisions and the rules promulgated by the
331 interstate commission and in the by-laws through the use of all necessary and proper means,
332 including, but not limited to, the use of the judicial process;

333 (d) establish and maintain offices, which shall be located within 1 or more of the member
334 states;

335 (e) purchase and maintain insurance and bonds;

336 (f) borrow, accept, hire or contract for services or personnel;

337 (g) establish and appoint committees including, but not limited to, an executive
338 committee as required by paragraph 9 of subsection (a) of section 8;

339 (h) elect or appoint officers, attorneys, employees, agents or consultants and fix the
340 compensation, define the duties and determine the qualifications for those positions;

341 (i) establish the interstate commission's personnel, policies and programs relating to
342 conflicts of interest, rates of compensation and qualifications of personnel;

343 (j) accept any and all donations and grants of money, equipment, supplies, materials and
344 services and to receive, utilize and dispose of it;

345 (k) lease, purchase, own, hold, improve, use or accept contributions of or donations of
346 any property, real, personal or mixed;

347 (l) sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any
348 property, real, personal or mixed;

349 (m) establish a budget and make expenditures;

350 (n) adopt a seal and by-laws governing the management and operation of the interstate
351 commission;

352 (o) report annually to the legislatures, governors, judiciary and state councils of the
353 member states concerning the activities of the interstate commission during the preceding year
354 and the reports shall include recommendations that may have been adopted by the interstate
355 commission;

356 (p) coordinate education, training and public awareness regarding this compact and its
357 implementation and operation for officials and parents or guardians impacted by this compact;

358 (q) establish uniform standards for the reporting, collecting and exchanging of data;

359 (r) maintain corporate books and records in accordance with the by-laws;

360 (s) perform the functions necessary or appropriate to achieve the purposes of this
361 compact; and

362 (t) provide for the uniform collection and sharing of information between and among
363 member states, schools and military families under this compact.

364 Section 10. (a) The interstate commission shall, by a majority vote of the members
365 present and voting and within 12 months after the first interstate commission meeting, adopt by-

366 laws to govern the conduct that is necessary or appropriate to carry out the purposes of this
367 compact, which shall include, but not be limited to:

368 (1) establishing the fiscal year of the interstate commission;

369 (2) establishing an executive committee and other committees as may be necessary;

370 (3) providing for the establishment of committees and for governing any general or
371 specific delegation of authority or function of the interstate commission;

372 (4) providing reasonable procedures for calling and conducting meetings of the interstate
373 commission and ensuring reasonable notice of each meeting;

374 (5) establishing the titles and responsibilities of the officers and staff of the interstate
375 commission;

376 (6) providing a mechanism for concluding the operations of the interstate commission
377 and the return of surplus funds that may exist upon the termination of this compact after the
378 payment and reserving of all of its debts and obligations; and

379 (7) providing start-up rules for initial administration of the compact.

380 (b) The interstate commission shall, by a majority of the members, elect annually from
381 among its members a chairperson, a vice-chairperson and a treasurer, each of whom shall have
382 the authority and duties specified in the by-laws. The chairperson or, in the chairperson's
383 absence or disability, the vice-chairperson, shall preside at all meetings of the interstate
384 commission. The elected officers shall serve without compensation or remuneration from the
385 interstate commission; provided, that subject to the availability of budgeted funds, the officers

shall be reimbursed for ordinary and necessary costs and expenses incurred by them in the performance of their responsibilities as officers of the interstate commission.

(c) The executive committee shall have such authority and duties as may be set forth in the by-laws, including, but not limited to: (i) managing the affairs of the interstate commission in a manner consistent with the by-laws and purposes of the interstate commission; (ii) overseeing an organizational structure within the interstate commission and establishing appropriate procedures for the interstate commission to provide for the creation of rules, operating procedures and administrative and technical support functions; and (iii) planning, implementing and coordinating communications and activities with other state, federal and local government organizations in order to advance the goals of the interstate commission.

(d) The executive committee may, subject to the approval of the interstate commission, appoint or retain an executive director for a period, during which the terms, conditions and compensation shall be set by the interstate commission. The executive director shall serve as secretary to the interstate commission, but shall not be a member of the interstate commission. The executive director shall hire and supervise other personnel when authorized by the interstate commission.

(e) The interstate commission's executive director and employees shall be immune from suit and liability, either personally or in their official capacity, for a claim for damage to or loss of property, personal injury or other civil liability caused by, arising out of or relating to an actual or alleged act, error or omission that occurred, or that the person had a reasonable basis for believing occurred, within the scope of interstate commission employment, duties or responsibilities; provided, that the interstate commission's executive director and employees

shall not be protected from suit or liability for damage, loss, injury or liability caused by the intentional or willful and wanton misconduct of such person.

(f) The liability of the interstate commission's executive director, employees or representatives for acts, errors or omissions that occur while acting within the scope of employment and within the person's state may not exceed the limits of liability set forth under the constitution and laws of that state for state officials, employees and agents. The interstate commission is considered to be an instrumentality of the states for the purposes of any such action. Nothing in this subsection shall be construed to protect the person from suit or liability for damage, loss, injury or liability caused by the intentional or willful and wanton misconduct of such person.

(g) The interstate commission shall defend the executive director and its employees and, subject to the approval of the attorney general or other appropriate legal counsel of the member state represented by an interstate commission, shall defend interstate commission representatives in any civil action seeking to impose liability arising out of an actual or alleged act, error or omission that occurred within the scope of interstate commission employment, duties or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of interstate commission employment, duties or responsibilities; provided, however, that the actual or alleged act error or omission did not result from intentional or willful and wanton misconduct on the part of such person.

(h) To the extent that representatives and employees of the interstate commission are not covered by the state involved, the member state or the interstate commission, that representative or employee shall be held harmless in the amount of a settlement or judgment, including

attorney's fees and costs, obtained against such persons arising out of an actual or alleged act, error or omission that occurred within the scope of interstate commission employment, duties or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of interstate commission employment, duties or responsibilities; provided, however, that the actual or alleged act, error or omission did not result from intentional or willful and wanton misconduct on the part of such persons.

Section 11. (a) The interstate commission shall promulgate reasonable rules in order to effectively achieve the purposes of this compact. In the event the interstate commission exercises its rulemaking authority in a manner that is beyond the scope or the powers granted in this act, then that action by the interstate commission shall be invalid and have no force or effect.

(b) Rules shall be made pursuant to a rulemaking process that shall substantially, or as much as possible, conform with the Model State Administrative Procedure Act of 1981, uniform laws annotated, vol. 15, p.1 (2000) as amended.

(c) Not later than 30 days after a rule is promulgated, any person may file a petition for judicial review of the rule; provided, that the filing of such a petition shall not stay or otherwise prevent the rule from becoming effective unless the court finds that the petitioner has a substantial likelihood of success. The court shall give deference to the actions of the interstate commission consistent with applicable law and shall not find the rule to be unlawful if the rule represents a reasonable exercise of the interstate commission's authority.

(d) If a majority of the legislatures of the compacting states reject a rule by enactment of a statute or resolution, then such rule shall have no further force and effect in any compacting state.

Section 12. (a) All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact which may affect the powers, responsibilities or actions of the interstate commission.

(b) The interstate commission shall be entitled to receive all service of process in any such proceeding and shall have standing to intervene in the proceeding for all purposes. Failure to provide service of process to the interstate commission shall render a judgment or order void as to the interstate commission, this compact or promulgated rules.

(c) If the interstate commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact, the by-laws or the promulgated rules, the interstate commission shall:

(1) provide written notice to the defaulting state and other member states, of the nature of the default, the means of curing the default and any action taken by the interstate commission; provided, that the interstate commission shall specify the conditions by which the defaulting state must cure its default;

(2) provide remedial training and specific technical assistance regarding the default; and

(3) terminate a defaulting state from the compact if the defaulting state fails to cure the default and upon an affirmative vote of a majority of the member states, all rights, privileges and benefits conferred by this compact shall be terminated from the effective date of termination; provided that a cure of the default shall not relieve the offending state of obligations or liabilities incurred during the period of the default.

(d) Suspension or termination of membership in this compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the interstate commission to the governor and the majority and minority leaders of the defaulting state's legislature and each of the member states.

(e) The state which has been suspended or terminated shall be responsible for all assessments, obligations and liabilities incurred through the effective date of suspension or termination including obligations that require performance beyond the effective date of suspension or termination.

(f) The interstate commission shall not bear any costs relating to any state that has been found to be in default or which has been suspended or terminated from the compact, unless otherwise mutually agreed upon in writing between the interstate commission and the defaulting state.

(g) The interstate commission shall attempt, upon the request of a member state, to resolve disputes which are subject to the compact and which may arise among member states and between member and non-member states. The interstate commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

(h) The interstate commission, in the reasonable exercise of its discretion, shall enforce this compact.

(i) The remedies in this section shall not be the exclusive remedies of the interstate commission. The interstate commission may avail itself of any other remedies available under state law or the regulation of a profession.

493 Section 13. (a) The interstate commission shall pay, or provide for the payment of, the
494 reasonable expenses of its establishment, organization and ongoing activities.

495 (b) The interstate commission may levy on and collect an annual assessment from each
496 member state to cover the cost of the operations and activities of the interstate commission and
497 its staff which must be in a total amount sufficient to cover the interstate commission's annual
498 budget as approved each year. The aggregate annual assessment amount shall be allocated based
499 upon a formula determined by the interstate commission, which shall promulgate a rule that is
500 binding upon all member states.

501 (c) The interstate commission shall not incur obligations of any kind prior to securing the
502 funds adequate to meet that obligation; nor shall the interstate commission pledge the credit of
503 any of the member states, except by and with the authority of the member state.

504 (d) The interstate commission shall keep accurate accounts of all receipts and
505 disbursements. The receipts and disbursements of the interstate commission shall be subject to
506 the audit and accounting procedures established under its by-laws. All receipts and
507 disbursements of funds handled by the interstate commission shall be audited yearly by a
508 certified or licensed public accountant and the report of the audit shall be included in and become
509 part of the annual report of the interstate commission.

510 Section 14. (a) Any state shall be eligible to become a member state.

511 (b) The compact shall become effective and binding upon legislative enactment of the
512 compact into law by no less than 10 states. The effective date shall be no earlier than December
513 1, 2007. Thereafter it shall become effective and binding as to any other member state upon
514 enactment of the compact into law by that state. The governors of non-member states or the

515 designees of non-member states shall be invited to participate in the activities of the interstate
516 commission on a non-voting basis prior to adoption of the compact by all states.

517 (c) The interstate commission may propose amendments to the compact for enactment by
518 the member states. No amendment shall become effective and binding upon the interstate
519 commission and the member states unless it is enacted into law by unanimous consent of the
520 member states.

521 Section 15. (a) Once effective, the compact shall continue in force and remain binding
522 upon each and every member state; provided, that a member state may withdraw from the
523 compact by specifically repealing the statute that enacted the compact into law.

524 (b) Withdrawal from this compact shall be by the enactment of a statute repealing this
525 compact, but shall not take effect until 1 year after the effective date of such statute.

526 (c) The withdrawing state shall immediately notify the chairperson of the interstate
527 commission in writing upon the introduction of legislation repealing this compact in the
528 withdrawing state. The interstate commission shall notify the other member states of the
529 withdrawing state's intent to withdraw within 60 days of receiving notice.

530 (d) The withdrawing state shall be responsible for all assessments, obligations and
531 liabilities incurred through the effective date of withdrawal, including the performance of
532 obligations which extend beyond the effective date of the withdrawal.

533 (e) Reinstatement following withdrawal of a member state shall occur upon the
534 withdrawing state reenacting the compact or upon such later date as determined by the interstate
535 commission.

536 Section 16. (a) This compact shall dissolve upon the date of the withdrawal or default of
537 the member state which reduces the membership in the compact to 1 member state.

538 (b) Upon the dissolution of this compact, the compact shall become null and void and
539 shall be of no further force or effect. The business and affairs of the interstate commission shall
540 be concluded and surplus funds shall be distributed in accordance with the by-laws.

541 Section 17. (a) This compact shall be severable and if any phrase, clause, sentence or
542 provision is deemed unenforceable, the remaining provisions of the compact shall be
543 enforceable.

544 (b) This compact shall be liberally construed to effectuate its purposes.

545 (c) Nothing in this compact shall be construed to prohibit the applicability of other
546 interstate compacts to which the states are members.

547 Section 18. (a) Nothing in this compact shall prevent the enforcement of any other law of
548 a member state that is not inconsistent with this compact.

549 (b) All member states' laws conflicting with this compact are superseded to the extent of
550 the conflict.

551 Section 19. (a) All lawful actions of the interstate commission, including all rules and by-
552 laws promulgated by the interstate commission, shall be binding upon the member states.

553 (b) All agreements between the interstate commission and the member states shall be
554 binding in accordance with the terms of the agreement.

(c) In the event any provision of this compact exceeds the constitutional limits imposed on the legislature of any member state, such provision shall be ineffective to the extent of the conflict with the constitutional provision of that member state.

¶SECTION 8. The third paragraph of section 26 of chapter 31 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by adding the following sentence:- No appointing authority shall request military medical records for the purpose of employment other than that which is required by the administrator.

¶SECTION 9. Section 5 of chapter 59 of the General Laws, as so appearing, is hereby amended by striking out, in lines 765 to 767, inclusive, the words “; provided, however, that in no case shall the abatement amount exceed the sum of \$2,500 in any fiscal year following the fifth fiscal year of receipt of the abatement”.

¶SECTION 10. Chapter 112 of the General Laws is hereby amended by inserting after section 1A the following section:-

Section 1B. (a) The director and each of the boards of registration and examination under the director’s supervision, shall upon presentation of satisfactory evidence by an applicant for certification or licensure, accept education, training or service completed by an individual as a member of the armed forces, as defined in clause Forty-third of section 7 of chapter 4, or the United States military reserves toward the qualifications required to receive the license or certification in question. The secretary of administration shall provide a waiver of payment of any amount constituting an entry fee for any applicant making application pursuant to this section.

(b) The commissioner of public health and each of the boards of registration and examination under the commissioner's supervision, shall upon presentation of satisfactory evidence by an applicant for certification or licensure, accept education, training, or service completed by an individual as a member of the armed forces, as defined in clause Forty-third of section 7 of chapter 4, or the United States military reserves toward the qualifications required to receive the license or certification in question. The secretary of administration shall provide a waiver of payment of any amount constituting an entry fee for any applicant making application pursuant to this section.

(c) Notwithstanding any general or special law to the contrary, if a licensee or certificate holder, under this chapter, is engaged in active service in the armed forces of the United States, as defined in clause Forty-third of section 7 of chapter 4, the license or certification held by that licensee or certificate holder shall remain valid until the licensee or certificate holder is released from active duty and for a period of not less than 90 days following that release.

(d) Notwithstanding any general or special law to the contrary, the commissioner of public health and each of the boards of registration and examination under the supervision of the commissioner, shall upon presentation of satisfactory evidence by an applicant for certification or licensure, expedite the issuance of a license or certification to a person: (i) who is certified or licensed in a state other than the commonwealth, (ii) whose spouse is a member of the armed forces in the United States; (iii) whose spouse is a the subject of a military transfer to the commonwealth; and (iv) who left employment to accompany the person's spouse to the commonwealth. The procedure shall include, but not be limited to: (1) issuing the person a license or certificate if, in the opinion of the department, the requirements for licensure or certification of such other state are substantially equivalent to the requirements for licensure or

certification in the commonwealth; or (2) issuing the person a temporary license or certificate to allow the person to perform services while completing any specific requirements that may be required in the commonwealth but were not required in the state in which the person was licensed or certified.

(e) Notwithstanding any general or special law to the contrary, the director and each of the boards of registration and examination under the supervision of the director, shall upon the presentation of satisfactory evidence by an applicant for certification or licensure, expedite the issuance of a license or certification for a person: (i) who is certified or licensed in a state other than the commonwealth; (ii) whose spouse is a member of the armed forces in the United States; (iii) whose spouse is the subject of a military transfer to the commonwealth; and (iv) who left employment to accompany a spouse to the commonwealth. The procedure shall include, but not be limited to: (1) issuing the person a license or certificate if, in the opinion of the department, the requirements for licensure or certification of such other state are substantially equivalent to the requirements for licensure or certification in the commonwealth; or (2) issuing the person a temporary license or certificate to allow the person to perform services while completing any specific requirements that may be required in the commonwealth but were not required in the state in which the person was licensed or certified.

¶SECTION 10A. Chapter 147 of the General Laws, as so appearing, is hereby amended by inserting after section 61 the following new section:—

Section 62. (a) The commissioner shall coordinate and adopt a uniform policy within the department to accept, upon presentation of satisfactory evidence by an applicant for certification or licensure under the authority of the department, education, training, or service completed by

an individual as a member of the armed forces, as defined in clause 43 of section 7 of chapter 4, or the United States military reserves toward the qualifications required to receive the license or certification in question.

(b) Notwithstanding any general or special law to the contrary, if a licensee or certificate holder, who received a license or certificate under the authority of the department, is engaged in active service in the armed forces of the United States, as defined in clause 43 of section 7 of chapter 4, the license or certification held by a licensee or certificate holder shall remain valid until the licensee or certificate holder is released from active duty and for a period of not less than ninety days following said release.

(c) Notwithstanding any general or special law to the contrary, the commissioner shall establish a procedure within the department to, upon the presentation of satisfactory evidence by an applicant for certification or licensure under the authority of the department, expedite the issuance of a license or certification for a person: (i) who is certified or licensed in a state other than Massachusetts; (ii) whose spouse is a member of the armed forces in the United States; (iii) whose spouse is the subject of a military transfer to Massachusetts; and (iv) who left employment to accompany their spouse to Massachusetts. The procedure shall include, but not be limited to: (i) issuing said person a license or certificate, if, in the opinion of the department, the requirements for licensure or certification of such other state are substantially equivalent to those required in Massachusetts; or (ii) issuing said person a temporary license or certificate to allow said person to perform services while completing any specific requirements that may be required in Massachusetts but were not required in the state in which said person was licensed or certified.

(d) The commissioner and the department shall adopt all necessary rules, regulations, and procedures to implement the provisions of this section, effective January 1, 2013.

¶SECTION 11. Section 2 of chapter 115 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after the word “commissioner”, in line 1, the following words:- shall be a veteran, as defined in clause Forty-third of section 7 of chapter 4 and.

¶SECTION 11A. Section 46A of chapter 114 of the General Laws, as so appearing, is hereby amended by striking the first sentence in the second paragraph and inserting in the place thereof, the following sentence:— A certified copy of the affidavit shall forthwith be transmitted by the undertaker or other person authorized to make such burial or disposition, within 30 days of the burial or disposition, to the veterans’ agent or part-time veterans’ agent of the city or town of burial or other disposition of the body. Upon receipt of such certified copy, said veterans’ agent or part-time veterans’ agent shall forthwith transmit the certified copy to the veterans’ graves officer, appointed under section nine of chapter one hundred and fifteen, of the city or town of burial or other disposition of the body.

¶SECTION 12. Section 71C of chapter 143 of the General Laws, as so appearing, is hereby amended by inserting after the word “licensee”, in line 45, the following words:- ; provided, however, that if the licensee is on active duty with the armed forces of the United States, the license shall remain valid until the licensee is released from active duty and for a period of not less than 90 days following that release.

¶SECTION 13. Section 62 of chapter 146 of the General Laws, as so appearing, is hereby amended by inserting after the word “certificate”, in line 26, the following words:- ; provided,

however, that if the holder of a certificate of competency is on active duty with the armed forces of the United States, the certificate shall remain valid until the holder is released from active duty and for a period of not less than 90 days following that release.

¶SECTION 14. Section 67 of said chapter 146, as so appearing, is hereby amended by inserting, after the word “licensee”, in line 21, the following words:- ; provided, however, that if the licensee is on active duty with the armed forces of the United States, the license shall remain valid until the licensee is released from active duty and for a period of not less than 90 days following that release.

¶SECTION 15. Section 85 of said chapter 146, as so appearing, is hereby amended by inserting after the word “licensee”, in line 33, the following words:- ; provided, however, that if the licensee is on active duty with the armed forces of the United States, the license shall remain valid until the licensee is released from active duty and for a period of not less than 90 days following that release.

¶SECTION 16. Chapter 276A of the General Laws is hereby amended by adding the following 2 sections:-

Section 10. A probation officer of a district court, in Boston, the municipal court of the city of Boston or the officer’s official designee, when gathering information in accordance with section 85 of chapter 276, shall, at or prior to arraignment of a defendant on a criminal complaint, use best efforts to confirm the defendant’s status as a veteran, as defined in clause Forty-third of section 7 of chapter 4, a person on active service in the armed forces of the United States, as defined in said clause Forty-third of said section 7 of said chapter 4, or a person with a history of military service in the armed forces of the United States.

687 The district courts, and in Boston, the municipal court of the city of Boston, shall have
688 jurisdiction to divert to a program any person who is a veteran, as defined in said clause Forty-
689 third of said section 7 of said chapter 4, on active service in the armed forces of the United
690 States, as defined in said clause Forty-third of said section 7 of said chapter 4, or who has history
691 of military service in the armed forces of the United States who is charged with an offense
692 against the commonwealth for which a term of imprisonment may be imposed, regardless of age,
693 who has not previously been convicted of a violation of any law of the commonwealth or of any
694 other state or of the United States in any criminal court proceeding after having reached the age
695 of 18 years, except for traffic violations for which no term of imprisonment may have been
696 imposed, who does not have any outstanding warrants, continuances, appeals or criminal cases
697 pending before any courts of the commonwealth or any other state or of the United States and
698 who has received a recommendation from a program that such person would, in light of the
699 capacities of and guidelines governing it, benefit from participation in said program.

700 Section 11. A defendant who is determined to be a veteran, on active service or has a
701 history of military service in the armed forces of the United States and who is eligible for
702 diversion or treatment under section 10 may, at arraignment, be afforded a 14-day continuance
703 by the court to seek an assessment by the United States Department of Veterans Affairs, the
704 department of veterans' services or another state or federal agency with suitable knowledge and
705 experience of veterans affairs to provide the court with treatment options available to the
706 defendant, including diversion programs, if appropriate. If the defendant has demonstrated
707 symptomatology suggestive of a mental illness, a qualified psychiatrist, clinical psychologist or
708 physician shall, in consultation with the United States Department of Veterans Affairs, the
709 department of veterans' services or another federal or state agency, provide a written report to

the court to assist in sentencing or diversion. The court may consider the recommendations of any diagnosing or treating licensed mental health professional for the defendant for pre-trial diversion or the imposition of a sentence. Prior to offering a continuance, the court shall inquire into the circumstances of the charge.

If the court offers a 14-day continuance to seek an assessment and a defendant chooses to accept the offer of a continuance, the defendant shall notify the court at arraignment. Upon receipt of such notification, the judge may grant a 14-day continuance. The court, through the probation office or the officer's official designee, shall direct the defendant to an assessment program, shall inform the program of the action and shall require that the program provide the probation department and court with its findings. A court may grant a defendant who is preliminarily determined not to be eligible for pre-trial diversion a 14-day continuance for assessment. The court shall consider the opinion of the commonwealth on the merits of granting or denying the continuance. A court may grant a continuance sua sponte or upon motion by the defendant. Section 12. Notwithstanding any special or general law to the contrary, a pilot project known as the "Veterans Court" program shall be established and administered within the Trial Court in the county of Norfolk; provided however, the chief justice of the District Court shall report findings on said program to the House and Senate committees on Ways and Means and the Joint Committee on the Judiciary on or before June 30, 2013.

¶SECTION 17. The executive office of health and human services, in consultation with the executive office for administration and finance, department of veterans' services, the Soldiers' Home in Massachusetts and the Soldiers' Home in Holyoke shall conduct a fiscal and operational analysis of the impact of designating a non-profit entity as a state soldiers home or assisted living facility. The analysis shall examine the availability of federal, state or private

funds to support the construction and operation of additional soldiers' homes or assisted living facilities by the designated non-profit entity, including unused federal per diems under current United States Department of Veterans Affairs apportionment guidelines, provide a 5-year and 10-year master plan for capital facility improvements and expansion and estimate long-term costs that may be incurred by the commonwealth for the construction and ongoing maintenance of such a home or assisted living facility. The executive office of health and human services shall submit a copy of the analysis to the clerks of the house of representatives and senate who shall forward copies of the analysis to the house and senate committees on ways and means and the joint committee on veterans and federal affairs by December 1, 2012.

¶SECTION 18. There shall be a special commission to study and make recommendations under chapters 13 and 115 of the General Laws and titles 108 and 230 of the Code of Massachusetts Regulations, relative to the training and the certification, professional licensure or accreditation of veterans' benefits and services officers. As used in this section, the term "veterans' benefits and services officers" shall include: (i) full-time and part-time veterans' agents under chapter 115 of the General Laws, chapter 471 of the acts of 1972, chapter 68 of the acts of 1984 and title 108 of the Code of Massachusetts Regulations; (ii) full-time directors of veterans' services districts and full-time and part-time deputy directors or assistant directors of veterans' services districts under said chapter 115 of the General Laws, said chapter 471 of the acts of 1972, said chapter 68 of the acts of 1984 and title 108 of the Code of Massachusetts Regulations; (iii) county veterans' agents under chapter 128 of the acts of 1982; and (iv) the veterans' benefits and services commissioner in and for the city of Boston under said chapter 115 of the General Laws.

755 The commission shall consist of 6 members: the house and senate chairs of the joint
756 committee on veterans and federal affairs or their designees, who shall serve as co-chairs; the
757 secretary of veterans' services or a designee; the undersecretary of consumer affairs and business
758 regulation or a designee; the president of the Massachusetts Veterans' Service Officers
759 Association or a designee; and the executive director of the Massachusetts Municipal
760 Association or a designee.

761 The commission shall: (i) review and analyze processes and procedures of the department
762 of veterans' services relative to the training or certification of veterans' benefits and services
763 officers; (ii) review and analyze processes and procedures of the United States Department of
764 Veterans Affairs relative to the training and accreditation of representatives of veterans and
765 military service organizations; (iii) review and analyze processes and procedures for the
766 establishment of professional licensure for veterans' benefits and services officers within the
767 commonwealth; (iv) compile and issue a report of the study with recommendations for
768 legislation relative to the training and the certification, professional licensure or accreditation of
769 veterans' benefits and services officers.

770 The commission shall convene its first official meeting not later than August 1, 2012. The
771 commission shall submit a copy of the study with recommendations for legislation to the clerks
772 of the house of representatives and senate who shall forward copies of the study to the house and
773 senate committees on ways and means and the joint committee on veterans and federal affairs by
774 December 1, 2012.

775 ¶SECTION 19. The court administrator shall, in consultation with the department of
776 veterans services, conduct a study and make recommendations relative to the adoption of a court

777 training program to educate and assist court personnel, including court staff, probation officers
778 and their designees, court officers, prosecutors, defense counsel and judges in recognizing
779 veterans issues and determining the appropriate treatment for veterans within the court. The
780 administrative office of the trial court shall file a report with recommendations for a court
781 training program to the joint committee on the judiciary, the joint committee on veterans and
782 federal affairs and the house and senate committees on ways and means by June 1, 2013.

783 ¶SECTION 20. The court administrator shall consult with the United States Department
784 of Veterans Affairs and the department of veterans' services, to conduct a study to examine the
785 intake and review process and disposition, including treatment and diversion options, of
786 veterans, persons on active service in the armed forces of the United States and persons with a
787 history of military service in the armed forces of the United States who face criminal complaints
788 in the courts. The study shall include specific information including, but not limited to, the
789 number of defendants who are veterans, servicemembers or have a history of military service
790 who enter the courts of the commonwealth each year, the number who are eligible to enter
791 treatment and diversion programs, the number screened and assessed for placement in a program,
792 the number that successfully complete a program, the number that do not complete a program
793 and the reason for such incompleteness, the number that are diverted to a program and obtain a
794 dismissal of their court proceedings and the number that enter and complete a program but
795 reoffend and enter the criminal court system again within 1 year of successful completion. The
796 study shall provide recommendations for annual reporting requirements to be provided by the
797 administrative office of the trial court related to veterans in the criminal justice system. The
798 report shall be provided by the court administrator to the department of veterans' services, the
799 joint committee on veterans and federal affairs and the joint committee on the judiciary not later

800 than April 1, 2013. Reporting shall be provided annually by the court administrator to the
801 department and the committees on or before December 1 of each year thereafter.

802 ¶SECTION 21. The board of higher education shall adopt all necessary rules, regulations
803 and procedures to implement section 42 of chapter 15A of the General Laws not later than March
804 1, 2013.

805 ¶SECTION 22. Section 5 of Chapter 188 of the General Laws is hereby amended by
806 inserting at the end thereof the following new subsection:-

807 (e) The declaration of homestead shall record whether the owner to be benefitted is a
808 servicemember who may be subject to protection under the Servicemembers Civil Relief Act, 50
809 U.S.C. App. § 533 should the owner be called to active duty.

810 ¶SECTION 23. Clause Twenty-second A of section 5 of chapter 59 of the General Laws,
811 as so appearing, is hereby amended by adding the following sentence:- No person who has
812 received an exemption under this clause shall be denied the benefit of said exemption because
813 such person returns to active service.

814 ¶SECTION 24. Section 7 of chapter 4 of the General Laws, as appearing in the 2010
815 Official Edition, is hereby amended by adding the following paragraph:—

816 Fifty-ninth, “Active Duty” as used in section 2 of chapter 90 shall mean full-time duty in
817 active military service of the army, navy, marine corps, coast guard or air force of the United
818 States, but shall not include active duty being served for the purpose of training as a reservist in
819 the army national guard or air national guard.

¶SECTION 25. Section 2 of chapter 90 of the General Laws, as so appearing, is hereby amended by inserting, after the word “registration.”, in line 423, the following new paragraph:—

The registrar shall furnish, upon request, to owners of private passenger motor vehicles and motorcycles who are residents of the state and serving in active duty as defined in clause fifty-ninth of section 7 of chapter 4 and upon presentation of evidence deemed satisfactory by the registrar, a distinctive emblem to be affixed to the plate that identifies the branch of the armed services in which such owner serves. The registrar may charge a fee directly attributable to the cost of issuance of such emblem, provided however that this fee shall not exceed \$35. Any member of the armed forces who is dishonorably discharged shall return such plates to the registrar not later than 30 days after such discharge. The registrar shall not renew the license plate of a dishonorably discharged armed forces member until confirming that the distinctive emblem is not affixed to the plate.

¶SECTION 26. Section 26 of Chapter 31 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended in paragraph 1 by inserting at the end thereof the following sentence:-

Veteran’s preference is absolute. All eligible lists of disabled veterans, veterans, or widows or widowed mothers of veterans who were killed in action or died from a service connected disability incurred in wartime service must be exhausted on a certified list before another selective certification can be established.

¶SECTION 27. Notwithstanding any general or special law to the contrary, the board of registration of funeral directors and embalmers shall adopt and promulgate all necessary rules, regulations, and procedures to implement the provisions of section 46A of chapter 114 of the

842 General Laws including, but not limited to, regulations ensuring that the undertaker or other
843 person authorized to make such burial or disposition of the body of a deceased veteran, known to
844 be such, shall notify the veterans' agent or part-time veterans' agents, as defined pursuant to
845 section 1 of chapter 115, of the city or town of burial or other disposition of the body. In
846 developing such rules and regulations, the department shall consult with the department of
847 veterans' services.

848 ¶SECTION 28. Chapter 59 of the General Laws, as appearing in the 2010 Official
849 Edition, is hereby amended by inserting after Section 5M, the following new section:-

850 Section 5N. In any city or town which accepts the provisions of this section, the board of
851 selectmen of a town or in a municipality having a town council form of government, the town
852 council or the mayor with the approval of the city council in a city may establish a program to
853 allow persons who are veterans, as defined in clause forty-third of section 7 of chapter 4, to
854 volunteer to provide services to such city or town. In exchange for such volunteer services, the
855 city or town shall reduce the real property tax obligations of such veteran on his tax bills and any
856 reduction so provided shall be in addition to any exemption or abatement to which any such
857 person is otherwise entitled and no such person shall receive a rate of, or be credited with, more
858 than the current minimum wage of the commonwealth per hour for services provided pursuant to
859 such reduction nor shall the reduction of the real property tax bill exceed \$1000 in a given tax
860 year. It shall be the responsibility of the city or town to maintain a record for each taxpayer
861 including, but not limited to, the number of hours of service and the total amount by which the
862 real property tax has been reduced and to provide a copy of such record to the assessor in order
863 that the actual tax bill reflect the reduced rate. A copy of such record shall also be provided to
864 the taxpayer prior to the issuance of the actual tax bill. Such cities and towns shall have the

power to create local rules and procedures for implementing this section in any way consistent with the intent of this section. Nothing in this section shall be construed to permit the reduction of workforce or otherwise replace existing staff.

In no instance shall the amount by which a person's property tax liability is reduced in exchange for the provision of services be considered income, wages, or employment for purposes of taxation as provided in chapter 62, for the purposes of withholding taxes as provided in chapter 62B, for the purposes of workers' compensation as provided in chapter 152 or any other applicable provisions of the general laws, but such person while providing such services shall be considered a public employee for the purposes of chapter 258, but such services shall be deemed employment for the purposes of unemployment insurance as provided in chapter 151A.

A city or town, by vote of its legislative body, subject to its charter, may adjust the exemption in this clause by: (1) allowing an approved representative, for persons physically unable, to provide such services to the city or town; or (2) allowing the maximum reduction of the real property tax bill to be based on 125 volunteer service hours in a given tax year, rather than \$1000.

¶SECTION 29. Section 9 of Chapter 15A of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the word "tuition;" in line 128, the following words:-

"provided, however, that any veteran of the United States armed services shall be considered Massachusetts residents for the purpose of admission and tuition expenses for any Massachusetts state college, community college, or state university under the following conditions: the veteran was honorably discharged from the U.S. armed services after at least one

887 year of active service, excluding time spent at a military service academy; the veteran designates
888 Massachusetts as his/her intended domicile, moves to Massachusetts for the purpose of
889 establishing residency, and successfully establishes residency in Massachusetts within one year
890 of matriculation in a Massachusetts public institution of higher learning;”