

**SENATE . . . . . No. 2193**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Twelve**  
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An Act relative to veterans' access, livelihood, opportunity, and resources.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to provide benefits to certain veterans and servicemembers, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1                   SECTION 1. This act shall be known and may be cited as "The VALOR Act".

2                   SECTION 2. The General Laws are hereby amended by inserting after chapter  
3 15D the following chapter:-

4   Chapter 15E

5                   Interstate Compact on Educational Opportunity for Military Children

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

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

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

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

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

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

24                   “Extracurricular activities”, a voluntary activity sponsored by the school or local  
25 education agency or an organization sanctioned by the local education agency. Extracurricular  
26 activities include, but are not limited to, preparation for and involvement in public performances,  
27 contests, athletic competitions, demonstrations, displays and club activities.

28                   “Interstate commission on educational opportunity for military children” or  
29 “interstate commission”, the commission that is created under section 9 of this compact.

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

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

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

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

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

43 “Rule”, a written statement by the interstate commission promulgated under  
44 section 12 of this compact that is of general applicability, implements, interprets or prescribes a  
45 policy or provision of the compact or an organizational, procedural or practice requirement of the  
46 interstate commission and has the force and effect of statutory law in a member state, and  
47 includes the amendment, repeal or suspension of an existing rule.

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

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

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

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

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

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

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

65 (1) active duty members of the uniformed services;

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

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

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

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

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

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

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

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

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

87 (b) Simultaneous with the enrollment and conditional placement of the student,  
88 the school in the receiving state shall request the student's official education records from the  
89 school in the sending state. Upon receipt of this request, the school in the sending state shall  
90 process and furnish the official education records to the school in the receiving state within 10

91 days or within such time as is reasonably determined under the rules promulgated by the  
92 interstate commission.

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

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

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

113 the receiving state from performing subsequent evaluations to ensure appropriate placement and  
114 continued enrollment of the student in the courses.

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

121 (c) In compliance with the federal requirements of the Individuals with  
122 Disabilities Education Act (IDEA), 20 U.S.C.A. section 1400 et seq, the receiving state shall  
123 initially provide comparable services to a student with disabilities based on the student's: (i)  
124 current individualized education program; (ii) in compliance with the requirements of section  
125 504 of the Rehabilitation Act, 29 U.S.C.A. Section 794; and (iii) in compliance with title II of the  
126 Americans with Disabilities Act, 42 U.S.C.A. sections 12131-12165. The receiving state shall  
127 make reasonable accommodations and modifications to address the needs of incoming students  
128 with disabilities, subject to an existing 504 or title II plan, to provide the student with equal  
129 access to education. This shall not preclude the school in the receiving state from performing  
130 subsequent evaluations to ensure appropriate placement of the student.

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

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

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

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

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

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

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



154                   Section 6. To facilitate the on-time graduation of children of military families,  
155 state and local education agencies shall incorporate the following procedures:

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

162                   (b) Receiving states may accept exit or end-of-course exams required for  
163 graduation from the sending state or national norm-referenced achievement tests or alternative  
164 testing, in lieu of testing requirements for graduation in the receiving state; require the student to  
165 take scheduled exit test in the receiving state, if the student is able to take the tests prior to the  
166 end of grade12; or accept evidence or information from the sending or receiving district that  
167 demonstrates that the student has met the receiving state’s graduation standard, either through a  
168 transcript of courses taken and grades received from the sending and or receiving district; a  
169 portfolio of work samples for the student that addresses the required high school standards;  
170 standardized norm-referenced test results in the subject required by the receiving state for  
171 graduation; or other relevant information.

172                   (c) Should a military student transferring at the beginning or during grade 12 be  
173 ineligible to graduate from the receiving local education agency after all alternatives in  
174 subsection (b) have been considered, the sending and receiving local education agencies shall  
175 ensure the receipt of a diploma from the sending local education agency, if the student meets the

176 graduation requirements of the sending local education agency. In the event that either the  
177 transferring or receiving state is not a member of this compact, the member state shall use best  
178 efforts to facilitate the on-time graduation of the student under subsections (a) and (b).

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

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

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

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

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

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

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

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

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

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

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

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

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

230 (i) establish an executive committee, whose members shall include the officers of  
231 the interstate commission and such other members of the interstate commission as determined by  
232 the by-laws. Members of the executive committee shall serve a 1-year term. Members of the  
233 executive committee shall be entitled to 1 vote each. The executive committee shall have the  
234 power to act on behalf of the interstate commission, with the exception of rulemaking during  
235 periods when the interstate commission is not in session. The executive committee shall oversee  
236 the day-to-day activities of the administration of the compact including enforcement and  
237 compliance with the compact, its by-laws and rules and other such duties as deemed necessary.  
238 The U.S. Department of Defense shall serve as an ex-officio, non-voting member of the  
239 executive committee;

240 (j) establish by-laws and rules that provide for conditions and procedures under  
241 which the interstate commission shall make its information and official records available to the  
242 public for inspection or copying. The interstate commission may exempt from disclosure the  
243 information or the official records that would adversely affect personal privacy rights or  
244 proprietary interests;

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

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

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

253 (3) disclose trade secrets or commercial or financial information which is  
254 privileged or confidential;

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

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

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

259 or

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

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

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

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

281 Section 9. The interstate commission may:

- 282 (a) provide for dispute resolution among member states;
- 283 (b) issue, upon request of a member state, advisory opinions concerning the  
284 meaning or interpretation of the interstate compact, its by-laws, rules and actions;
- 285 (c) enforce compliance with the compact provisions and the rules promulgated by  
286 the interstate commission and in the by-laws through the use all necessary and proper means,  
287 including, but not limited to, the use of the judicial process;
- 288 (d) establish and maintain offices, which shall be located within 1 or more of the  
289 member states;
- 290 (e) purchase and maintain insurance and bonds;
- 291 (f) borrow, accept, hire or contract for services or personnel;
- 292 (g) establish and appoint committees including, but not limited to, an executive  
293 committee as required by paragraph 9 of subsection (a) of section 8;
- 294 (h) elect or appoint officers, attorneys, employees, agents or consultants and fix  
295 the compensation, define the duties and determine the qualifications for those positions;
- 296 (i) establish the interstate commission's personnel, policies and programs relating  
297 to conflicts of interest, rates of compensation and qualifications of personnel;
- 298 (j) accept any and all donations and grants of money, equipment, supplies,  
299 materials and services and to receive, utilize and dispose of it;
- 300 (k) lease, purchase, own, hold, improve, use or accept contributions of or  
301 donations of any property, real, personal or mixed;

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

304 (m) establish a budget and make expenditures;

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

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

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

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

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

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

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



321 Section 10. (a) The interstate commission shall, by a majority vote of the  
322 members present and voting and within 12 months after the first interstate commission meeting,  
323 adopt by-laws to govern the conduct that is necessary or appropriate to carry out the purposes of  
324 this compact, which shall include, but not be limited to:

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

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

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

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

332 (5) establishing the titles and responsibilities of the officers and staff of the  
333 interstate commission;

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

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

338 (b) The interstate commission shall, by a majority of the members, elect annually  
339 from among its members a chairperson, a vice-chairperson and a treasurer, each of whom shall  
340 have the authority and duties specified in the by-laws. The chairperson or, in the chairperson's  
341 absence or disability, the vice-chairperson, shall preside at all meetings of the interstate

342 commission. The elected officers shall serve without compensation or remuneration from the  
343 interstate commission; provided that, subject to the availability of budgeted funds, the officers  
344 shall be reimbursed for ordinary and necessary costs and expenses incurred by them in the  
345 performance of their responsibilities as officers of the interstate commission.

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

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

360 (e) The interstate commission's executive director and its employees shall be  
361 immune from suit and liability, either personally or in their official capacity, for a claim for  
362 damage to or loss of property, personal injury or other civil liability caused by, arising out of or  
363 relating to an actual or alleged act, error or omission that occurred, or that such person had a

364 reasonable basis for believing occurred, within the scope of interstate commission employment,  
365 duties or responsibilities; provided, that such person shall not be protected from suit or liability  
366 for damage, loss, injury or liability caused by the intentional or willful and wanton misconduct of  
367 such person.

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

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

385 (h) To the extent that representatives and employees of the interstate commission  
386 are not covered by the state involved, the member state or the interstate commission, that  
387 representative or employee shall be held harmless in the amount of a settlement or judgment,  
388 including attorney's fees and costs, obtained against such persons arising out of an actual or  
389 alleged act, error or omission that occurred within the scope of interstate commission  
390 employment, duties or responsibilities, or that such persons had a reasonable basis for believing  
391 occurred within the scope of interstate commission employment, duties or responsibilities;  
392 provided, however, that the actual or alleged act, error, or omission did not result from  
393 intentional or willful and wanton misconduct on the part of such persons.

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

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

402 (c) Not later than 30 days after a rule is promulgated, any person may file a  
403 petition for judicial review of the rule; provided, that the filing of such a petition shall not stay or  
404 otherwise prevent the rule from becoming effective unless the court finds that the petitioner has a  
405 substantial likelihood of success. The court shall give deference to the actions of the interstate

406 commission consistent with applicable law and shall not find the rule to be unlawful if the rule  
407 represents a reasonable exercise of the interstate commission's authority.

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

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

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

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

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

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

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

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

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

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

445 (g) The interstate commission shall attempt, upon the request of a member state,  
446 to resolve disputes which are subject to the compact and which may arise among member states

447 and between member and non-member states. The interstate commission shall promulgate a rule  
448 providing for both mediation and binding dispute resolution for disputes as appropriate.

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

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

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

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

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

465 (d) The interstate commission shall keep accurate accounts of all receipts and  
466 disbursements. The receipts and disbursements of the interstate commission shall be subject to  
467 the audit and accounting procedures established under its by-laws. All receipts and

468 disbursements of funds handled by the interstate commission shall be audited yearly by a  
469 certified or licensed public accountant and the report of the audit shall be included in and become  
470 part of the annual report of the interstate commission.

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

472 (b) The compact shall become effective and binding upon legislative enactment of  
473 the compact into law by no less than 10 states. The effective date shall be no earlier than  
474 December 1, 2007. Thereafter it shall become effective and binding as to any other member state  
475 upon enactment of the compact into law by that state. The governors of non-member states or the  
476 designees of non-member states shall be invited to participate in the activities of the interstate  
477 commission on a non-voting basis prior to adoption of the compact by all states.

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

482 Section 16. (a) Once effective, the compact shall continue in force and remain  
483 binding upon each and every member state; provided that a member state may withdraw from the  
484 compact by specifically repealing the statute that enacted the compact into law.

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

487 (c) The withdrawing state shall immediately notify the chairperson of the  
488 interstate commission in writing upon the introduction of legislation repealing this compact in



489 the withdrawing state. The interstate commission shall notify the other member states of the  
490 withdrawing state's intent to withdraw within 60 days of receiving notice.

491 (d) The withdrawing state is responsible for all assessments, obligations and  
492 liabilities incurred through the effective date of withdrawal, including the performance of  
493 obligations which extend beyond the effective date of the withdrawal.

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

497 Section 15. (a) This compact shall dissolve effective upon the date of the  
498 withdrawal or default of the member state which reduces the membership in the compact to 1  
499 member state.

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

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

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

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

509                   Section 19. (a) Nothing in this compact shall prevent the enforcement of any other  
510 law of a member state that is not inconsistent with this compact.

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

513                   Section 20. (a) All lawful actions of the interstate commission, including all rules  
514 and by-laws promulgated by the interstate commission, shall be binding upon the member states.

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

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

520                   SECTION 3. Section 40N of Chapter 7 of the general laws, as appearing in the  
521 2010 Official Edition, is hereby amended, in line 11, after the word “business”, by striking out  
522 the word “and” and inserting in place thereof: “,”

523                   SECTION 4. Said section 40N of said chapter, as so appearing, is hereby  
524 amended in line 11, by inserting after the word “businesses”, the following: “and service-  
525 disabled veteran-owned small businesses”

526                   SECTION 5. Said section 40N of said chapter, as so appearing, is hereby  
527 amended, in line 14, by inserting after the word “market”, the following: “; (6) minority, women  
528 and veterans business enterprises frequently face special handicaps and problems in achieving  
529 viable economic status; (7) the commonwealth is committed to creating a culture of inclusion

530 that values and promotes non-discrimination, equal opportunity and diversity in all aspects of  
531 Commonwealth employment, business, programs, activities, and services”

532 SECTION 6. Said section 40N of said chapter, as so appearing, is hereby  
533 amended, in line 14, by inserting after the word “end,” the following: “and in accordance with  
534 the powers and duties of the supplier diversity office, as set forth in section 61 of chapter 7,”

535 SECTION 7. Said section 40N of said chapter, as so appearing, is hereby  
536 amended, in line 14, after the word “minority”, by striking out the word “and” and inserting in  
537 place thereof: “businesses,”

538 SECTION 8. Said section 40N of said chapter, as so appearing, is hereby  
539 amended, in line 15, by inserting after the word “businesses”, the following: “and service-  
540 disabled veteran-owned small businesses”

541 SECTION 9. Said section 40N of said chapter, as so appearing, is hereby  
542 amended, in line 21, after the words “minority-owned businesses”, by striking out the word  
543 “and” and inserting in place thereof: “,”

544 SECTION 10. Said section 40N of said chapter, as so appearing, is hereby  
545 amended, in line 21, by inserting after the words “women-owned businesses”, the following:  
546 “and service-disabled veteran-owned small businesses”

547 SECTION 11. Said section 40N of said chapter, as so appearing, is hereby  
548 amended, in line 58, by inserting after the word “project.”, a new paragraph as follows:  
549 ““Service-Disabled Veteran-Owned Small Business”, a business that is verified by the federal  
550 government’s Department of Veterans Affairs pursuant to the Veterans Benefits, Health Care,

551 and Information Technology Act of 2006, Pub. L. 109-461, the procurement program for verified  
552 service-disabled veteran-owned small businesses or veteran-owned small businesses, and  
553 determined to be a service-disabled veteran-owned small business concern in accordance with 38  
554 CFR Part 74 and Pub. L. 111-275.”

555 SECTION 12. Said section 40N of said chapter, as so appearing, is hereby  
556 amended, in line 64, by inserting after the word “commonwealth;”, a new paragraph as follows:  
557 ““Supplier diversity office” or “SDO”, shall have the same meaning as found in section 58 of  
558 chapter 7.”

559 SECTION 13. Said section 40N of said chapter, as so appearing, is hereby  
560 amended, in line 75, after the words “director of the”, by striking out the words “state office of  
561 minority and women business assistance, may” and inserting in place thereof: “supplier diversity  
562 office, shall”

563 SECTION 14. Said section 40N of said chapter, as so appearing, is hereby  
564 amended, in line 77, after the words “minority-owned”, by striking out the word “and” and  
565 inserting in place there of: “businesses,”

566 SECTION 15. Said section 40N of said chapter, as so appearing, is hereby  
567 amended, in line 78, by inserting after the words “women-owned businesses”, the following:  
568 “and service-disabled veteran-owned small businesses”

569 SECTION 16. Said section 40N of said chapter, as so appearing, is hereby  
570 amended, in line 80, after the words “minority-owned”, by striking out the word “and” and  
571 inserting in place there of: “businesses,”

572 SECTION 17. Said section 40N of said chapter, as so appearing, is hereby  
573 amended, in line 80, by inserting after the words “women-owned businesses”, the following:  
574 “and service-disabled veteran-owned small businesses”

575 SECTION 18. Said section 40N of said chapter, as so appearing, is hereby  
576 amended, in line 81, by inserting after the words “building projects”, the following: “; and, in no  
577 case shall the participation goals established for service-disabled veteran-owned small businesses  
578 be lower than the greater of the participation goals established for minority-owned and women-  
579 owned businesses”

580 SECTION 19. Said section 40N of said chapter, as so appearing, is hereby  
581 amended, in line 82, after the words “minority-owned business”, by striking out the word “and”  
582 and inserting in place there of: “;”

583 SECTION 20. Said section 40N of said chapter, as so appearing, is hereby  
584 amended, in line 83, by inserting after the word “business”, the following: “and service-disabled  
585 veteran-owned small business”

586 SECTION 21. Said section 40N of said chapter, as so appearing, is hereby  
587 amended, in line 84, after the words “minority-owned businesses”, by striking out the word  
588 “and” and inserting in place there of: “;”

589 SECTION 22. Said section 40N of said chapter, as so appearing, is hereby  
590 amended, in line 84, by inserting after the words “women-owned businesses”, the following:  
591 “and service-disabled veteran-owned small businesses”

592 SECTION 23. Said section 40N of said chapter, as so appearing, is hereby  
593 amended, in line 89, after the words “minority-owned businesses”, by striking out the word  
594 “and” and inserting in place there of: “,”

595 SECTION 24. Said section 40N of said chapter, as so appearing, is hereby  
596 amended, in line 89, by inserting after the words “women-owned businesses”, the following:  
597 “and service-disabled veteran-owned small businesses; however, in no case shall the  
598 participation goals established for service-disabled veteran-owned small businesses be lower  
599 than the greater of the participation goals established for minority-owned and women-owned  
600 businesses”

601 SECTION 25. Said section 40N of said chapter, as so appearing, is hereby  
602 amended, in line 89, after the word “the”, by striking out the words “state office of minority and  
603 women business assistance” and inserting in place thereof: “supplier diversity office”

604 SECTION 26. Said section 40N of said chapter, as so appearing, is hereby  
605 amended, in line 92, after the words “minority-owned businesses”, by striking out the word  
606 “and” and inserting in place there of: “,”

607 SECTION 27. Said section 40N of said chapter, as so appearing, is hereby  
608 amended, and further, in line 92, by inserting after the words “women-owned businesses”, the  
609 following: “and service-disabled veteran-owned small businesses”

610 SECTION 28. Said section 40N of said chapter, as so appearing, is hereby  
611 amended, in line 94, after the words “minority-owned businesses”, by striking out the word  
612 “and” and inserting in place there of: “,”

613 SECTION 29. Said section 40N of said chapter, as so appearing, is hereby  
614 amended, in line 94, by inserting after the words “women-owned businesses”, the following:  
615 “and service-disabled veteran-owned small businesses”;

616 SECTION 30. Said section 40N of said chapter, as so appearing, is hereby  
617 amended, in line 95, after the word “of”, by striking out the word “SOMWBA” and inserting in  
618 place thereof: “SDO”

619 SECTION 31. Said section 40N of said chapter, as so appearing, is hereby  
620 amended, in line 100, after the word “of”, by striking out the words “state office of minority and  
621 women business assistance” and inserting in place thereof: “the supplier diversity office”

622 SECTION 32. Said section 40N of said chapter, as so appearing, is hereby  
623 amended, in line 101-102, after the words “minority-owned businesses”, by striking out the word  
624 “and” and inserting in place there of: “,”

625 SECTION 33. Said section 40N of said chapter, as so appearing, is hereby  
626 amended, in line 102, by inserting after the words “women-owned businesses”, the following:  
627 “and service-disabled veteran-owned small businesses”

628 SECTION 34. Said section 40N of said chapter, as so appearing, is hereby  
629 amended, in line 108, by inserting after the word “year.”, the following: “The participation goals  
630 established for service-disabled veteran-owned small businesses shall be no less than the greater  
631 of the participation goals established by the supplier diversity office for minority-owned and  
632 women-owned businesses for contracts awarded for capital facility projects and state assisted  
633 building projects in the calendar year.”

634 SECTION 35. Said section 40N of said chapter, as so appearing, is hereby  
635 amended, in line 110, after the words “minority-owned businesses”, by striking out the words  
636 “and for” and inserting in place there of: “,”

637 SECTION 36. Said section 40N of said chapter, as so appearing, is hereby  
638 amended, in line 110, by inserting after the words “women-owned businesses”, the following:  
639 “and service-disabled veteran-owned small businesses”

640 SECTION 37. Said section 40N of said chapter, as so appearing, is hereby  
641 amended, in line 112, after the words “minority-owned businesses”, by striking out the word  
642 “and” and inserting in place there of: “,”

643 SECTION 38. Said section 40N of said chapter, as so appearing, is hereby  
644 amended, in line 113, by inserting after the word “businesses”, the following: “and service-  
645 disabled veteran-owned small businesses”

646 SECTION 39. Said section 40N of said chapter, as so appearing, is hereby  
647 amended, in line 115, after the words “minority owned businesses”, by striking out the word  
648 “and” and inserting in place there of: “,”

649 SECTION 40. Said section 40N of said chapter, as so appearing, is hereby  
650 amended, in line 115, by inserting after the words “women owned businesses,”, the following:  
651 “and service-disabled veteran-owned small businesses”

652 SECTION 41. Said section 40N of said chapter, as so appearing, is hereby  
653 amended, in line 119, after the words “minority-owned businesses”, by striking out the word  
654 “and” and inserting in place there of: “,”



655 SECTION 42. Said section 40N of said chapter, as so appearing, is hereby  
656 amended, in line 120, by inserting after the word “businesses,”, the following: “and service-  
657 disabled veteran-owned small businesses”

658 SECTION 43. Said section 40N of said chapter, as so appearing, is hereby  
659 amended, in line 121, after the words “director of the”, by striking out the words “state office of  
660 minority and women business assistance” and inserting in place thereof: “supplier diversity  
661 office”

662 SECTION 44. Said section 40N of said chapter, as so appearing, is hereby  
663 amended, in line 124, after the words “minority-owned business”, by striking out the word “and”  
664 and inserting in place there of: “;”

665 SECTION 45. Said section 40N of said chapter, as so appearing, is hereby  
666 amended, in line 125, by inserting after the word “business,”, the following: “and service-  
667 disabled veteran-owned small business”

668 SECTION 46. Said section 40N of said chapter, as so appearing, is hereby  
669 amended, in line 125-126, after the words “minority-owned businesses”, by striking out the word  
670 “and” and inserting in place there of: “;”

671 SECTION 47. Said section 40N of said chapter, as so appearing, is hereby  
672 amended, in line 126, by inserting after the words “women-owned businesses”, the following:  
673 “and service-disabled veteran-owned small businesses”

674 SECTION 48. Said section 40N of said chapter, as so appearing, is hereby  
675 amended, in line 134, after the words “program, the”, by striking out the words “state office of

676 minority and women business assistance” and inserting in place thereof: “supplier diversity  
677 office”

678 SECTION 49. Said section 40N of said chapter, as so appearing, is hereby  
679 amended, in line 147, after the word “the”, by striking out the words “state office of minority and  
680 women business assistance” and inserting in place thereof: “supplier diversity office”

681 SECTION 50. Said section 40N of said chapter, as so appearing, is hereby  
682 amended, in line 155, after the words “minority owned business”, by striking out the word “and”  
683 and inserting in place there of: “,”

684 SECTION 51. Said section 40N of said chapter, as so appearing, is hereby  
685 amended, in line 155, by inserting after the words “women owned business”, the following: “and  
686 service-disabled veteran-owned small business”

687 SECTION 52. Said section 40N of said chapter, as so appearing, is hereby  
688 amended, in line 156, after the words “minority-owned”, by striking out the word “or” and  
689 inserting in place there of: “business,”

690 SECTION 53. Said section 40N of said chapter, as so appearing, is hereby  
691 amended, in line 156, by inserting after the words “women-owned business”, the following: “and  
692 service-disabled veteran-owned small business”

693 SECTION 54. Said section 40N of said chapter, as so appearing, is hereby  
694 amended, in line 159, after the words “minority-owned”, by striking out the word “and” and  
695 inserting in place there of: “businesses,”

696 SECTION 55. Said section 40N of said chapter, as so appearing, is hereby  
697 amended, in line 159, by inserting after the words “women-owned businesses”, the following:  
698 “and service-disabled veteran-owned small businesses”.

699 SECTION 56. Section 61 of Chapter 7 of the general laws, as appearing in the  
700 2010 Official Edition, is hereby amended, in line 29, after the word “minority”, by striking out  
701 the word “and” and inserting in place there of: “,”

702 SECTION 57. Said section 61 of said chapter, as so appearing, is hereby  
703 amended, in line 29, by inserting after the word “women”, the following: “and veteran”

704 SECTION 58. Said section 61 of said chapter, as so appearing, is hereby  
705 amended, in line 33, after the word “minority”, by striking out the word “and” and inserting in  
706 place there of: “,”

707 SECTION 59. Said section 61 of said chapter, as so appearing, is hereby  
708 amended, in line 33, by inserting after the word “women”, the following: “and veteran”

709 SECTION 60. Said section 61 of said chapter, as so appearing, is hereby  
710 amended, in line 37, after the word “minority”, by striking out the word “and” and inserting in  
711 place there of: “,”

712 SECTION 61. Said section 61 of said chapter, as so appearing, is hereby  
713 amended, in line 37, by inserting after the word “women”, the following: “and veteran”

714 SECTION 62. Said section 61 of said chapter, as so appearing, is hereby  
715 amended, in line 41-42, after the word “minority”, by striking out the word “and” and inserting  
716 in place there of: “,”

717 SECTION 63. Said section 61 of said chapter, as so appearing, is hereby  
718 amended, in line 42, by inserting after the word “women”, the following: “and veteran”

719 SECTION 64. Said section 61 of said chapter, as so appearing, is hereby  
720 amended, in line 42, after the word “minority”, by striking out the word “and” and inserting in  
721 place there of: “,”

722 SECTION 65. Said section 61 of said chapter, as so appearing, is hereby  
723 amended, in line 42, by inserting after the word “women”, the following: “and veteran”

724 SECTION 66. Said section 61 of said chapter, as so appearing, is hereby  
725 amended, in line 57, after the word “persons”, by striking out the word “and” and inserting in  
726 place there of: “,”

727 SECTION 67. Said section 61 of said chapter, as so appearing, is hereby  
728 amended, in line 57, by inserting after the word “women”, the following: “and veterans”

729 SECTION 68. Said section 61 of said chapter, as so appearing, is hereby  
730 amended, in line 64, after the word “minority”, by striking out the word “and” and inserting in  
731 place there of: “,”

732 SECTION 69. Said section 61 of said chapter, as so appearing, is hereby  
733 amended, in line 64, by inserting after the word “women”, the following: “and veteran”

734 SECTION 70. Said section 61 of said chapter, as so appearing, is hereby  
735 amended, in line 80, after the words “minority-owned”, by striking out the word “and” and  
736 inserting in place there of: “businesses,”

737 SECTION 71. Said section 61 of said chapter, as so appearing, is hereby  
738 amended, in line 80, by inserting after the word “businesses”, the following: “and service-  
739 disabled veteran-owned small businesses”

740 SECTION 72. Said section 61 of said chapter, as so appearing, is hereby  
741 amended, in line 82-83, after the words “minority-owned”, by striking out the word “and” and  
742 inserting in place there of: “business,”

743 SECTION 73. Said section 61 of said chapter, as so appearing, is hereby  
744 amended, in line 83, by inserting after the word “business”, the following: “and service-disabled  
745 veteran-owned small business”

746 SECTION 74. Said section 61 of said chapter, as so appearing, is hereby  
747 amended, in line 84-85, after the word “minority-owned business”, by striking out the word  
748 “and” and inserting in place there of: “,”

749 SECTION 75. Said section 61 of said chapter, as so appearing, is hereby  
750 amended, in line 85, by inserting after the words “women-owned business”, the following: “and  
751 service-disabled veteran-owned small business”

752 SECTION 76. Said section 61 of said chapter, as so appearing, is hereby  
753 amended, in line 86, after the word “businesses”, by striking out the word “and” and inserting in  
754 place there of: “,”

755 SECTION 77. Said section 61 of said chapter, as so appearing, is hereby  
756 amended, in line 87, by inserting after the word “businesses”, the following: “and service-  
757 disabled veteran-owned small businesses”

758 SECTION 78. Said section 61 of said chapter, as so appearing, is hereby  
759 amended, in line 104, after the words “minority owned businesses”, by striking out the word  
760 “and” and inserting in place there of: “,”

761 SECTION 79. Said section 61 of said chapter, as so appearing, is hereby  
762 amended, in line 104, by inserting after the words “women owned businesses”, the following:  
763 “and service-disabled veteran-owned small businesses”

764 SECTION 80. Said section 61 of said chapter, as so appearing, is hereby  
765 amended, in line 109, after the words “minority owned businesses”, by striking out the word  
766 “and” and inserting in place there of: “,”

767 SECTION 81. Said section 61 of said chapter, as so appearing, is hereby  
768 amended, in line 109, by inserting after the words “women owned businesses”, the following:  
769 “and service-disabled veteran-owned small businesses”

770 SECTION 82. Said section 61 of said chapter, as so appearing, is hereby  
771 amended, in line 114, after the words “women-owned businesses”, by striking out the words “or  
772 both” and inserting in place there of: “, service-disabled veteran-owned small businesses, or all  
773 three”

774 SECTION 83. Said section 61 of said chapter, as so appearing, is hereby  
775 amended, in line 116, after the words “minority-owned businesses”, by striking out the word  
776 “and” and inserting in place there of: “,”

777 SECTION 84. Said section 61 of said chapter, as so appearing, is hereby  
778 amended, in line 116, by inserting after the words “women-owned businesses”, the following:  
779 “and service-disabled veteran-owned small businesses”

780 SECTION 85. Said section 61 of said chapter, as so appearing, is hereby  
781 amended, in line 118, by inserting after the word “factors”, the following: “and in no case shall  
782 the participation goals established for service-disabled veteran-owned small businesses be lower  
783 than the greater of the participation goals established for minority-owned and women-owned  
784 businesses”

785 SECTION 86. Said section 61 of said chapter, as so appearing, is hereby  
786 amended, in line 132, after the words “minority owned business”, by striking out the word “and”  
787 and inserting in place there of: “,”

788 SECTION 87. Said section 61 of said chapter, as so appearing, is hereby  
789 amended, in line 132, by inserting after the words “women owned business”, the following: “and  
790 service-disabled veteran-owned small business”

791 SECTION 88. Said section 61 of said chapter, as so appearing, is hereby  
792 amended, in line 133, after the words “minority-owned”, by striking out the word “or” and  
793 inserting in place there of: “business,”

794 SECTION 89. Said section 61 of said chapter, as so appearing, is hereby  
795 amended, in line 133, by inserting after the words “women-owned business”, the following: “or  
796 service-disabled veteran-owned small business”

797 SECTION 90. Said section 61 of said chapter, as so appearing, is hereby  
798 amended, in line 136, after the words “minority-owned”, by striking out the word “and” and  
799 inserting in place there of: “businesses,”

800 SECTION 91. Said section 61 of said chapter, as so appearing, is hereby  
801 amended, in line 136, by inserting after the words “women-owned businesses”, the following:  
802 “and service-disabled veteran-owned small businesses”

803 SECTION 92. Section 35CC of chapter 10 of the General Laws, as appearing in  
804 the 2008 Official Edition, is hereby amended by inserting, after the word “families” in line 6, the  
805 following words:- ,including the Gold Star Families of certain active duty members of the armed  
806 forces,

807 SECTION 93. Said section 35CC of said chapter, as so appearing, is hereby  
808 further amended by striking out the third sentence and inserting in place thereof the following  
809 sentence:- Revenues credited to the fund under this section shall remain in the fund, not subject  
810 to appropriation, for application to those purposes and for expenses related to the administration  
811 and operation of the fund.

812 SECTION 94. Section 13 of chapter 130 of the acts of 2005 is hereby amended  
813 by adding at the end thereof the following sentence:- The Friends of the Massachusetts National  
814 Guard and Reserve Families, Inc. shall be recognized as a civilian first responder program for  
815 Massachusetts Gold Star Families.

816 SECTION 95. Paragraph (2) of subsection (a) of section 14 of said chapter 130 of  
817 the acts of 2005 is hereby amended by striking out the words “name, address, rank and rating”  
818 and inserting in place thereof the following words:- servicemember’s city or town .



819 SECTION 96. Said section 14 of said chapter is hereby further amended by  
820 striking out subsection (b) and inserting in place thereof the following subsection:-

821 (b) The information provided pursuant to this section shall be public records.

822 SECTION 97. Section 2 of Chapter 115 of the General laws, as appearing in the  
823 2004 Official edition is hereby amended by inserting after paragraph one, the following:-

824 “provided further, the secretary shall be a veteran, as defined in clause Forty-third of  
825 section 7 of chapter 4 of the Massachusetts General Laws.”

826 SECTION 98. Section 67 of Chapter 146 of the General Laws, as so appearing  
827 in the 2008 official Edition, is hereby amended by adding the following sentences:

828 Notwithstanding the provisions of this section, if the licensee is on active duty with the armed  
829 forces of the United States, as defined in clause Forty-third of section 7 of chapter 4 of the  
830 Massachusetts General Laws, the license shall remain valid until the licensee is released from  
831 active duty and for a period of not less than 90 days following said release.

832 SECTION 99. Chapter 276A of the General Laws is hereby amended by adding  
833 the following section:-

834 Section 10. The probation officers of a district, municipal or superior court, or  
835 their official designee, when gathering information in accordance with section 85 of chapter 276  
836 of the General Laws, shall, at or prior to arraignment of a defendant on a criminal complaint,  
837 make inquiry of the defendant as to whether he or she is a veteran or current servicemember of,  
838 or has a history of military service in, the armed forces of the United States. The probation  
839 officers or their official designee shall screen the defendant for the purpose of enabling the judge

840 at arraignment to consider the eligibility of the defendant for diversion to a program, or treatment  
841 as part of disposition.

842           If the defendant is determined to be a veteran, or current servicemember, or has a  
843 history of military service in the armed forces of the United States and is eligible for diversion or  
844 treatment, he or she may, at arraignment, be afforded a 14-day continuance by the court for the  
845 purpose of seeking an assessment by the US Department of Veterans Affairs, the Massachusetts  
846 department of veterans' services or another state or federal agency with suitable knowledge and  
847 experience of veterans affairs to provide the court with treatment options available to the  
848 defendant, including diversion programs, if appropriate; provided, however, that if the defendant  
849 has demonstrated symptomatology suggestive of a mental illness, a written report shall be  
850 prepared by a qualified psychiatrist or clinical psychologist or physician, in consultation with  
851 said Department of Veterans Affairs or the department of veterans' services or another federal or  
852 state agency and said report shall be provided to the court to assist in sentencing or diversion.  
853 The court may consider the recommendations of any diagnosing or treating mental health  
854 professionals for the defendant for pre-trial diversion or the imposition of a sentence.

855           If a defendant chooses to accept the offer of a continuance for the purpose of such  
856 an assessment, he or she shall so notify the judge at arraignment. Upon receipt of such  
857 notification, the judge shall grant a 14-day continuance. The judge, through the probation office  
858 or its official designee, shall direct the defendant to an assessment program and shall inform said  
859 program of such action and require that the program provide the probation department and court  
860 with its findings. The judge may, in his or her discretion, grant a defendant who is preliminarily  
861 determined not to be eligible for pre-trial diversion, a 14-day continuance for assessment. In  
862 arriving at such a decision, the opinion of the prosecution should be taken into consideration.

863 Such a continuance may be granted upon the judge's own initiative or upon request by the  
864 defendant.

865           Section 10A. The administrative office of the trial court shall, in consultation  
866 with the department of veterans services conduct a study and make recommendations relative to  
867 the adoption of a court training program to educate and assist court personnel, including court  
868 staff, probation officers, their designees, court officers, prosecutors, defense counsel, and judges  
869 in recognizing veterans issues and determining the appropriate treatment for veterans within the  
870 court. The administrative office of the trial court shall file a report with recommendations for a  
871 court training program to the joint committee on the judiciary, the joint committee on veterans  
872 and federal affairs and the house and senate committees on ways and means no later than June 1,  
873 2013.

874           Section 10B. The administrative office of the trial court shall, in consultation  
875 with the US Department of Veterans Affairs and department of veterans' services, conduct a  
876 study to examine the intake and review process and disposition, including treatment and  
877 diversion options, of veterans who face criminal complaints in the courts. The study shall include  
878 specific information including, but not limited to, the number of defendants who are veterans,  
879 servicemembers or have a history of military service who enter the courts of the commonwealth  
880 each year, the number who are eligible to enter treatment and diversion programs, the number  
881 screened and assessed for the purpose of being placed in a program, the number that successfully  
882 complete a program, the number that do not complete a program and the reason therefore, the  
883 number that are diverted to a program and obtain a dismissal of their court proceedings, and the  
884 number that enter and complete a program but reoffend and enter the criminal court system again  
885 within one year of successful completion. A written report of the study's findings shall set forth

886 annual reporting requirements to be provided by the courts related to veterans in the criminal  
887 justice system. Said report shall be provided by the chief justice of administration and  
888 management to the department of veterans' services, the joint committee on veterans and federal  
889 affairs and the joint committee on the judiciary by April 1, 2013. Reporting shall be provided  
890 annually by the administrative office of the trial court to said department and said committees on  
891 or before December 1, 2013 of each year thereafter.

892 SECTION 100. Notwithstanding any general or special law to the contrary, the  
893 board of trustees of the Home of the Brave, Inc., a 501(c)(3) non-profit corporation, in sections  
894 100 through 105, inclusive, referred to as the corporation, may construct, purchase and operate  
895 public homes for veterans. Such homes shall be considered "state veterans' homes". The  
896 construction, purchase and operation of state veterans' homes shall be funded from available  
897 federal and private funds. The primary purpose of such state veterans' homes is to provide  
898 support and care for honorably discharged veterans who served in the Armed Forces of the  
899 United States for no less than 180 days.

900 SECTION 101. Notwithstanding any general or special law to the contrary, the  
901 corporation shall have, but shall not be limited to, the following powers:-

902 (a) to make and execute contracts and all other instruments necessary or  
903 convenient for the exercise of its powers and functions under sections 99 through 105, inclusive ;

904 (b) to acquire, in the name of the corporation, real or personal property of any  
905 interest therein, including rights or easements, on either a temporary or long-term basis by gift,  
906 purchase, transfer, foreclosure, lease or otherwise;

907 (c) to hold, sell, assign, lease, rent, encumber, mortgage or otherwise dispose of  
908 any real or personal property, or any interest therein, or mortgage interest owned by the  
909 corporation or in its control, custody or possession and release or relinquish any right, title,  
910 claim, lien, interest, easement or demand however acquired;

911 (d) to procure insurance against any loss in connection with its property and other  
912 assets in amounts and from insurers that it deems desirable;

913 (e) to receive, on behalf of the commonwealth, bequests and donations that may  
914 be made to improve the general comfort and welfare of the members of the state veterans' homes  
915 or for the betterment of the state veterans' homes ;

916 (f) to apply for, and receive, any grants-in-aid for which the corporation shall be  
917 eligible;

918 (g) to borrow funds, make and issue bonds and negotiate notes and other  
919 evidences of indebtedness or obligations for prudent and reasonable capital, operational and  
920 maintenance purposes on behalf of the state veterans' homes ; provided that the corporation may  
921 secure payments of all or part of the obligations by pledge of part of the revenues or assets of the  
922 corporation that are available for pledge and that may be lawfully pledged or by mortgage of  
923 part, or all, of any property owned by the corporation; provided that the corporation may do all  
924 lawful things necessary and incidental to these powers; and provided that the corporation may  
925 borrow money from the federal government and its agencies, or from any other non-state  
926 sources.

927 (h) to take other actions necessary or convenient to exercise the powers granted or  
928 reasonably implied in this section.

929                   SECTION 102. The corporation shall appoint an administrator who shall be an  
930 honorably discharged veteran who shall administer the state veterans' homes in accordance with  
931 the rules, guidelines and general policies established by the board of trustees of the corporation.  
932 The administrator shall serve for an indefinite term, but may be removed for cause by the board  
933 of trustees. The administrator's salary shall be set by the board. The administrator shall hire the  
934 necessary employees to operate the state veterans' homes; provided, that said employees shall  
935 not be considered employees of the commonwealth.

936                   SECTION 103. Notwithstanding any general or special law to the contrary,  
937 veterans desiring admission to the state veterans' homes shall apply on forms prescribed by the  
938 administrator. Admission shall be granted only to veterans who were residents of the  
939 commonwealth at time of entry into the armed forces or at the time of application for admission  
940 and to the spouses, widows or widowers of eligible veterans; provided that suitable facilities are  
941 available. Parents of armed services members who are killed in action or die as a consequence of  
942 wounds received in battle are also eligible, as so called "Gold Star" parents, for admission.  
943 Admission shall only be granted when the provisions of the rules governing private payment,  
944 Medicare and Medicaid eligibility to entitled persons are met; provided, however, that suitable  
945 facilities are available. Each veteran admitted shall pay the state veterans' home in which he  
946 resides, as determined by the board, the share of his maintenance costs that he can afford.

947                   SECTION 104. Notwithstanding any general or special law to the contrary, all  
948 unrestricted funds received by the corporation after the effective date of this act, including  
949 federal Veterans' Administration stipend funds, shall be held in a permanent fund to be used as  
950 needed by the administrator for the support and maintenance of the state homes. A percentage of  
951 these funds approved by the board of trustees must be placed in reserve for capital improvement

952 expenditures. Upon construction or purchase, the corporation shall operate the state homes as  
953 self-liquidating projects until all of the bonds issued pursuant to subsection (g) of section 100 are  
954 retired. The corporation shall retain as direct income revenue any stipend funds it may receive  
955 from the federal Veterans' Administration for the state veterans' homes eligible resident  
956 population.

957           SECTION 105. The corporation shall report annually to the governor, the house  
958 and senate committees on ways and means and the joint committee on veterans and federal  
959 affairs on or before December 1. The report shall contain statistics of all veterans who resided in  
960 the state veterans' homes during the year and such other matters including, but not limited to the  
961 following: (1) analysis of funding sources (2) scheduled plan to date, including a schedule  
962 detailing commencement of services and associated costs pursuant to construction, purchase and  
963 operation of prospective facilities, (3) establishment of standards and any other related costs of  
964 the program including, but not limited to, evidence of capital, operational and maintenance  
965 indebtedness or obligations, (4) applications for any grants-in-aid for which the corporation shall  
966 be eligible, (5) administrative structure and personnel including salaries and benefits pursuant to  
967 section 101.

968           SECTION 106. The corporation's fiscal year shall be the same as the  
969 commonwealth's. The corporation shall adopt rules for the administration of the state veterans'  
970 homes. The corporation is subject to the provisions of chapter 180 of the General Laws.

971           SECTION 107. There shall be a special commission to study and make  
972 recommendations pursuant to chapters 13 and 115 of the General Laws and titles 108 and 230 of

973 the Code of Massachusetts Regulations, relative to the training and the certification, professional  
974 licensure or accreditation of veterans' benefits and services officers.

975           The committee shall consist of 7 members: 1 member of the senate who shall be  
976 the chair of the joint committee on veterans and federal affairs ,or a designee; who shall serve as  
977 co-chair of the commission; 1 member of the house of representatives who shall be the chair of  
978 the joint committee on veterans and federal affairs or a designee, who shall serve as co-chair of  
979 the commission; the secretary of the department of veterans' services or a designee; the  
980 undersecretary of the office of consumer affairs and business regulation or a designee; the  
981 president of the Mass. Veterans' Service Agents Association, Inc. or a designee; the executive  
982 director of the Massachusetts Municipal Association, Inc. or a designee; and the veterans'  
983 benefits and services commissioner in and for the city of Boston.

984           The commission shall review and analyze processes and procedures of the  
985 department of veterans' services relative to the training or certification of veterans' benefits and  
986 services officers; review and analyze processes and procedures of the United States Department  
987 of Veterans Affairs relative to the training and accreditation of representatives of veterans and  
988 military service organizations; review and analyze processes and procedures for the  
989 establishment of professional licensure for veterans' benefits and services officers within the  
990 commonwealth; review and analyze the employment processes and procedures of cities and  
991 towns, veterans' services districts and the county of Dukes County with respect to veterans'  
992 benefits and services officers; analyze and project costs associated with each of these items; and  
993 compile and issue a report of the study with recommendations for legislation relative to the  
994 training and the certification, professional licensure or accreditation of veterans' benefits and  
995 services officers.



996                   The commission shall convene the first official meeting on or before August 1,  
997 2012. The commission shall file the report of the study with recommendations for legislation not  
998 later than December 1, 2012 with the clerks of the house of representatives and senate who shall  
999 forward the same to the house and senate committees on ways and means and the joint  
1000 committee on veterans and federal affairs.

1001                   As used in this section, the term “veterans’ benefits and services officers” shall  
1002 include: (1) full-time and part-time veterans’ agents under chapter 115 of the General Laws,  
1003 chapter 471 of the Acts of 1972, chapter 68 of the Acts of 1984 and title 108 of the Code of  
1004 Massachusetts Regulations; (2) full-time directors of veterans’ services districts and full-time  
1005 and part-time deputy directors or assistant directors of veterans’ services districts under chapter  
1006 115 of the General Laws, chapter 471 of the Acts of 1972, chapter 68 of the Acts of 1984 and  
1007 title 108 of the Code of Massachusetts Regulations; (3) county veterans’ agents under chapter  
1008 128 of the acts of 1982; and (4) the veterans’ benefits and services commissioner in and for the  
1009 city of Boston under chapter 115 of the General Laws.