

SENATE No. 2269

Senate, May 23, 2012 – Text of the further Senate amendment (Senator Rush) to the Senate Bill relative to veterans' access, livelihood, opportunity, and resources (Senate, No, 2254)

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

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

4 SECTION 1A. Said section 61 of said chapter 7 of the General Laws, as so appearing, is
5 hereby further amended by striking out the words “minority and women”, in lines 32 and 33 and
6 in lines 37 and 64, and inserting in place thereof, in each instance, the following words:-
7 minority, women and veterans.

8 SECTION 2. Said section 61 of said chapter 7, as so appearing, is hereby further
9 amended by striking out subsection (h) and inserting in place thereof the following subsection:-

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

14 SECTION 3. Said section 61 of said chapter 7, as so appearing, is hereby further
15 amended by inserting after subsection (i) the following subsection:-

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

24 SECTION 4. Section 35CC of chapter 10 of the General Laws, as so appearing, is
25 hereby amended by inserting after the word “families”, in line 6, the following words:- ,
26 including immediate family members of certain active duty members of the armed forces who
27 were killed in action, also known as Gold Star Families, or service members deceased in relation
28 to their military service.

29 SECTION 5. Chapter 15A of the General Laws is hereby amended by adding the
30 following section:-

31 Section 42. (a) The council shall develop and adopt a written policy requiring each public
32 institution of higher education to develop a set of written policies and procedures governing the
33 evaluation of a student’s military occupation, military training, coursework and experience, to
34 determine whether academic credit shall be awarded by the institution for the evaluated
35 occupation, experience, training and coursework. The council’s policy may require that the
36 occupation, training, experience or courses meet the standards of the American Council on
37 Education or equivalent standards for awarding academic credit. The council may also develop

38 and adopt a written policy requiring each public institution of higher education to develop a set
39 of written policies and procedures to standardize credit-by-exam equivalencies for exams funded
40 through the Department of Defense. The educational credit shall be awarded based upon each
41 institution's admissions standards and shall be consistent with the mission of the
42 commonwealth's system of public higher education, as defined by the council under section 1.
43 Each public institution of higher education shall designate a single point of contact for a student
44 who is enrolled in such an institution and who is also a veteran, as defined in clause Forty-third
45 of section 7 of chapter 4, to conduct such an evaluation and determination.

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

51 SECTION 6. The General Laws are hereby amended by inserting after chapter 15D the
52 following chapter:- Chapter 15E

53 Interstate Compact on Educational Opportunity for Military Children

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

140 days or within the time as is reasonably determined under the rules promulgated by the interstate
141 commission.

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

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

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

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

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

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

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

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

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

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

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

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

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

203 Section 6.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

303 (3) disclose trade secrets or commercial or financial information which is
304 privileged or confidential;

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

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

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

309 or

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

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

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

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

332 Section 9. The interstate commission may:

333 (a) provide for dispute resolution among member states;

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

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

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

341 (e) purchase and maintain insurance and bonds;

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

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

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

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

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

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

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

355 (m) establish a budget and make expenditures;

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

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

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

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

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

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

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

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

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

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

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

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

383 (5) establishing the titles and responsibilities of the officers and staff of the
384 interstate commission;

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

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

389 (b) The interstate commission shall, by a majority of the members, elect annually
390 from among its members a chairperson, a vice-chairperson and a treasurer, each of whom shall
391 have the authority and duties specified in the by-laws. The chairperson or, in the chairperson's
392 absence or disability, the vice-chairperson, shall preside at all meetings of the interstate
393 commission. The elected officers shall serve without compensation or remuneration from the
394 interstate commission; provided, that subject to the availability of budgeted funds, the officers
395 shall be reimbursed for ordinary and necessary costs and expenses incurred by them in the
396 performance of their responsibilities as officers of the interstate commission.

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

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

411 (e) The interstate commission's executive director and employees shall be
412 immune from suit and liability, either personally or in their official capacity, for a claim for
413 damage to or loss of property, personal injury or other civil liability caused by, arising out of or
414 relating to an actual or alleged act, error or omission that occurred, or that the person had a
415 reasonable basis for believing occurred, within the scope of interstate commission employment,
416 duties or responsibilities; provided, that the interstate commission's executive director and
417 employees shall not be protected from suit or liability for damage, loss, injury or liability caused
418 by the intentional or willful and wanton misconduct of such person.

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

427 (g) The interstate commission shall defend the executive director and its
428 employees and, subject to the approval of the attorney general or other appropriate legal counsel
429 of the member state represented by an interstate commission, shall defend interstate commission
430 representatives in any civil action seeking to impose liability arising out of an actual or alleged
431 act, error or omission that occurred within the scope of interstate commission employment,
432 duties or responsibilities, or that the defendant had a reasonable basis for believing occurred
433 within the scope of interstate commission employment, duties or responsibilities; provided,

434 however, that the actual or alleged act error or omission did not result from intentional or willful
435 and wanton misconduct on the part of such person.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

569 SECTION 7. The third paragraph of said section 26 of said chapter 31, as so appearing, is
570 hereby amended by adding the following sentence:- No appointing authority shall request
571 military medical records for the purpose of employment other than that which is required by the
572 administrator.

573 SECTION 7A. Clause Twenty-second A of section 5 of chapter 59 of the General Laws,
574 as so appearing, is hereby amended by adding the following sentence:- No person who has
575 received an exemption under this clause shall be denied the benefit of the exemption because the
576 person returns to active service.

577 SECTION 8. Said section 5 of said chapter 59 of the General Laws, as so appearing, is
578 hereby further amended by striking out, in lines 765 to 767, inclusive, the words “; provided,
579 however, that in no case shall the abatement amount exceed the sum of \$2,500 in any fiscal year
580 following the fifth fiscal year of receipt of the abatement”.

581 SECTION 8A. Said chapter 59 of the General Laws is hereby further amended by
582 inserting after section 5M the following section:-

583 Section 5N. In any city or town which accepts this section, the board of selectmen of a
584 town, or in a municipality having a town council form of government, the town council or the
585 mayor, with the approval of the city council in a city, may establish a program to allow veterans,
586 as defined in clause Forty-third of section 7 of chapter 4, to volunteer to provide services to that
587 city or town. In exchange for such volunteer services, the city or town shall reduce the real
588 property tax obligations of that veteran on the veteran's tax bills and that reduction shall be in
589 addition to any exemption or abatement to which that person is otherwise entitled; provided,
590 however, that person shall not receive a rate of, or be credited with, more than the current
591 minimum wage of the commonwealth per hour for the services provided pursuant to that
592 reduction; and provided further, that the reduction of the real property tax bill shall not exceed
593 \$1,000 in a given tax year. It shall be the responsibility of the city or town to maintain a record
594 for each taxpayer including, but not limited to, the number of hours of service and the total
595 amount by which the real property tax has been reduced and to provide a copy of that record to
596 the assessor in order that the actual tax bill reflect the reduced rate. A copy of that record shall
597 also be provided to the taxpayer prior to the issuance of the actual tax bill. The cities and towns
598 shall have the power to create local rules and procedures for implementing this section in a way
599 that is consistent with the intent of this section. Nothing in this section shall be construed to
600 permit the reduction of workforce or otherwise replace existing staff.

601 The amount by which a person's property tax liability is reduced in exchange for the
602 volunteer services shall not be considered income, wages or employment for purposes of taxation
603 as provided in chapter 62, for the purposes of withholding taxes as provided in chapter 62B, for

604 the purposes of workers' compensation as provided in chapter 152 or any other applicable
605 provisions of the General Laws. While providing such volunteer services, that person shall be
606 considered a public employee for the purposes of chapter 258 and those services shall be deemed
607 employment for the purposes of unemployment insurance as provided in chapter 151A.

608 A city or town, by vote of its legislative body, subject to its charter, may adjust the
609 exemption in this clause by: (i) allowing an approved representative for persons physically
610 unable to provide such services to the city or town; or (2) allowing the maximum reduction of
611 the real property tax bill to be based on 125 volunteer service hours in a given tax year, rather
612 than \$750.

613 SECTION 8B. Section 2 of chapter 90 of the General Laws, as appearing in the 2010
614 Official Edition, is hereby amended by inserting after the eighteenth paragraph the following
615 paragraph:-

616 The registrar shall furnish, at the request of owners of private passenger motor vehicles
617 and motorcycles, who are residents of the commonwealth and serving in active duty, a distinctive
618 emblem to be affixed to the registration plate that identifies the branch of the armed services in
619 which the owner serves. The registrar may charge a fee directly attributable to the cost of
620 issuance of that emblem; provided, however, that this fee shall not exceed \$35. Any member of
621 the armed forces who is dishonorably discharged shall return such plates to the registrar not later
622 than 30 days after that discharge. The registrar shall not renew the license plate of a dishonorably
623 discharged armed forces member until confirming that the distinctive emblem is not affixed to
624 the plate. For the purposes of this section "active duty" shall mean full-time duty in active
625 military service of the army, navy, marine corps, coast guard or air force of the United States, but

626 shall not include active duty being served for the purpose of training as a reservist in the army
627 national guard or air national guard.

628 SECTION 8C. Chapter 112 of the General Laws is hereby amended by inserting after
629 section 1A the following section:-

630 Section 1B. (a) The director and each of the boards of registration and examination under
631 the director's supervision, shall upon presentation of satisfactory evidence by an applicant for
632 certification or licensure, accept education, training or service completed by an individual as a
633 member of the armed forces, as defined in clause Forty-third of section 7 of chapter 4, or the
634 United States military reserves toward the qualifications required to receive the license or
635 certification in question.

636 (b) The commissioner of public health and each of the boards of registration and
637 examination under the commissioner's supervision, shall upon presentation of satisfactory
638 evidence by an applicant for certification or licensure, accept education, training, or service
639 completed by an individual as a member of the armed forces, as defined in clause Forty-third of
640 section 7 of chapter 4, or the United States military reserves toward the qualifications required to
641 receive the license or certification in question.

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

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

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

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

674 SECTION 9. The second paragraph of section 46A of chapter 114 of the General Laws,
675 as appearing in the 2010 Official Edition, is hereby amended by striking out the first sentence
676 and inserting in the place thereof the following sentence:- A certified copy of the affidavit shall
677 be transmitted by the undertaker or other person authorized to make the burial or disposition,
678 within 30 days of the burial or disposition, to the veterans' agent or part-time veterans' agent of
679 the city or town of burial or other disposition of the body. Upon receipt of the certified copy, the
680 veterans' agent or part-time veterans' agent shall transmit the certified copy to the veterans'
681 graves officer, appointed under section 9 of chapter 115, of the city or town of burial or other
682 disposition of the body.

683 SECTION 10. Section 2 of chapter 115 of the General Laws, as so appearing, is hereby
684 amended by inserting after the word "commissioner", in line 1, the following words:- shall be a
685 veteran, as defined in clause Forty-third of section 7 of chapter 4 and.

686 SECTION 11. Section 71C of chapter 143 of the General Laws, as so appearing, is
687 hereby amended by inserting after the word "licensee", in line 45, the following words:- ;
688 provided, however, that if the licensee is on active duty with the armed forces of the United
689 States, the license shall remain valid until the licensee is released from active duty and for a
690 period of not less than 90 days following that release.

691 SECTION 12. Section 62 of chapter 146 of the General Laws, as so appearing, is hereby
692 amended by inserting after the word “certificate”, in line 26, the following words:- ; provided,
693 however, that if the holder of a certificate of competency is on active duty with the armed forces
694 of the United States, the certificate shall remain valid until the holder is released from active duty
695 and for a period of not less than 90 days following that release.

696 SECTION 13. Section 67 of said chapter 146, as so appearing, is hereby amended by
697 inserting, after the word “licensee”, in line 21, the following words:- ; provided, however, that if
698 the licensee is on active duty with the armed forces of the United States, the license shall remain
699 valid until the licensee is released from active duty and for a period of not less than 90 days
700 following that release.

701 SECTION 14. Section 85 of said chapter 146, as so appearing, is hereby amended by
702 inserting after the word “licensee”, in line 33, the following words:- ; provided, however, that if
703 the licensee is on active duty with the armed forces of the United States, the license shall remain
704 valid until the licensee is released from active duty and for a period of not less than 90 days
705 following that release.

706 SECTION 14A. Chapter 147 of the General Laws is hereby amended by inserting after
707 section 61 the following section:-

708 Section 62. (a) The commissioner shall coordinate and adopt a uniform policy within the
709 department to, upon presentation of satisfactory evidence by an applicant for certification or
710 licensure under the authority of the department, accept education, training or service completed
711 by an individual as a member of the armed forces, as defined in clause Forty-third of section 7 of

712 chapter 4, or the United States military reserves toward the qualifications required to receive the
713 license or certification in question.

714 (b) Notwithstanding any general or special law to the contrary, if a licensee or certificate
715 holder, who received a license or certificate under the authority of the department, is engaged in
716 active service in the armed forces of the United States, as defined in clause Forty-third of section
717 7 of chapter 4, the license or certification held by that licensee or certificate holder shall remain
718 valid until the licensee or certificate holder is released from active duty and for a period of not
719 less than 90 days following that release.

720 (c) Notwithstanding any general or special law to the contrary, the commissioner shall
721 establish a procedure within the department to, upon the presentation of satisfactory evidence by
722 an applicant for certification or licensure under the authority of the department, expedite the
723 issuance of a license or certification for a person: (i) who is certified or licensed in a state other
724 than the commonwealth; (ii) whose spouse is a member of the armed forces in the United States;
725 (iii) whose spouse is the subject of a military transfer to the commonwealth; and (iv) who left
726 employment to accompany a spouse to the commonwealth. The procedure shall include, but not
727 be limited to: (1) issuing the person a license or certificate if, in the opinion of the department,
728 the requirements for licensure or certification of the other state are substantially equivalent to the
729 requirements for licensure or certification in the commonwealth; or (2) issuing the person a
730 temporary license or certificate to allow the person to perform services while completing any
731 specific requirements that may be required in the commonwealth but were not required in the
732 state in which the person was licensed or certified.

733 SECTION 15. Section 5 of chapter 188 of the General Laws, as appearing in the 2010
734 Official Edition, is hereby amended by adding the following subsection:-

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

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

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

747 The district courts, and in Boston, the municipal court of the city of Boston, shall have
748 jurisdiction to divert to a program any person who is a veteran, as defined in said clause Forty-
749 third of said section 7 of said chapter 4, on active service in the armed forces of the United
750 States, as defined in said clause Forty-third of said section 7 of said chapter 4, or who has history
751 of military service in the armed forces of the United States who is charged with an offense
752 against the commonwealth for which a term of imprisonment may be imposed, regardless of age,
753 who has not previously been convicted of a violation of any law of the commonwealth or of any
754 other state or of the United States in any criminal court proceeding after having reached the age

755 of 18 years, except for traffic violations for which no term of imprisonment may have been
756 imposed, who does not have any outstanding warrants, continuances, appeals or criminal cases
757 pending before any courts of the commonwealth or any other state or of the United States and
758 who has received a recommendation from a program that such person would, in light of the
759 capacities of and guidelines governing it, benefit from participation in said program.

760 Section 11. A defendant who is determined to be a veteran, on active service or
761 has a history of military service in the armed forces of the United States and who is eligible for
762 diversion or treatment under section 10 may, at arraignment, be afforded a 14-day continuance
763 by the court to seek an assessment by the United States Department of Veterans Affairs, the
764 department of veterans' services or another state or federal agency with suitable knowledge and
765 experience of veterans affairs to provide the court with treatment options available to the
766 defendant, including diversion programs, if appropriate. If the defendant has demonstrated
767 symptomatology suggestive of a mental illness, a qualified psychiatrist, clinical psychologist or
768 physician shall, in consultation with the United States Department of Veterans Affairs, the
769 department of veterans' services or another federal or state agency, provide a written report to
770 the court to assist in sentencing or diversion. The court may consider the recommendations of
771 any diagnosing or treating licensed mental health professional for the defendant for pre-trial
772 diversion or the imposition of a sentence. Prior to offering a continuance, the court shall inquire
773 into the circumstances of the charge.

774 If the court offers a 14-day continuance to seek an assessment and a defendant chooses to
775 accept the offer of a continuance, the defendant shall notify the court at arraignment. Upon
776 receipt of such notification, the judge may grant a 14-day continuance. The court, through the
777 probation office or the officer's official designee, shall direct the defendant to an assessment

778 program, shall inform the program of the action and shall require that the program provide the
779 probation department and court with its findings. A court may grant a defendant who is
780 preliminarily determined not to be eligible for pre-trial diversion a 14-day continuance for
781 assessment. The court shall consider the opinion of the commonwealth on the merits of granting
782 or denying the continuance. A court may grant a continuance sua sponte or upon motion by the
783 defendant.

784 SECTION 17. Notwithstanding any special or general law to the contrary, a pilot project
785 known as the “Veterans Court” program may be established and administered within the trial
786 court in the county of Norfolk; provided however, the chief justice of the district court shall
787 report findings on the program to the house and senate committees on ways and means and the
788 joint committee on the judiciary on or before June 30, 2013.

789 SECTION 18. Notwithstanding any general or special law to the contrary, the board of
790 registration of funeral directors and embalmers shall adopt and promulgate all necessary rules,
791 regulations and procedures to implement the provisions of section 46A of chapter 114 of the
792 General Laws including, but not limited to, regulations ensuring that the undertaker or other
793 person authorized to make the burial or disposition of the body of a deceased veteran, known to
794 be such, shall notify the veterans’ agent or part-time veterans’ agents, as defined pursuant to
795 section 1 of chapter 115, of the city or town of burial or other disposition of the body. In
796 developing such rules and regulations, the department shall consult with the department of
797 veterans’ services.

798 SECTION 19. The executive office of health and human services, in consultation
799 with the executive office for administration and finance, department of veterans’ services, the

800 Soldiers' Home in Massachusetts and the Soldiers' Home in Holyoke shall conduct a fiscal and
801 operational analysis of the impact of designating a non-profit entity as a state soldiers home or
802 assisted living facility. The analysis shall examine the availability of federal, state or private
803 funds to support the construction and operation of additional soldiers' homes or assisted living
804 facilities by the designated non-profit entity, including unused federal per diems under current
805 United States Department of Veterans Affairs apportionment guidelines, provide a 5-year and
806 10-year master plan for capital facility improvements and expansion and estimate long-term
807 costs that may be incurred by the commonwealth for the construction and ongoing maintenance
808 of such a home or assisted living facility. The executive office of health and human services shall
809 submit a copy of the analysis to the clerks of the house of representatives and senate who shall
810 forward copies of the analysis to the house and senate committees on ways and means and the
811 joint committee on veterans and federal affairs by December 1, 2012.

812 SECTION 20. There shall be a special commission to study and make recommendations
813 under chapters 13 and 115 of the General Laws and titles 108 and 230 of the Code of
814 Massachusetts Regulations, relative to the training and the certification, professional licensure or
815 accreditation of veterans' benefits and services officers.

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

822 The commission shall: (i) review and analyze processes and procedures of the
823 department of veterans’ services relative to the training or certification of veterans’ benefits and
824 services officers; (ii) review and analyze processes and procedures of the United States
825 Department of Veterans Affairs relative to the training and accreditation of representatives of
826 veterans and military service organizations; (iii) review and analyze processes and procedures for
827 the establishment of professional licensure for veterans’ benefits and services officers within the
828 commonwealth; (iv) compile and issue a report of the study with recommendations for
829 legislation relative to the training and the certification, professional licensure or accreditation of
830 veterans’ benefits and services officers.

831 The commission shall convene its first official meeting not later than August 1,
832 2012. The commission shall submit a copy of the study with recommendations for legislation to
833 the clerks of the house of representatives and senate who shall forward copies of the study to the
834 house and senate committees on ways and means and the joint committee on veterans and federal
835 affairs by December 1, 2012.

836 As used in this section, the term “veterans’ benefits and services officers” shall
837 include: (i) full-time and part-time veterans’ agents under chapter 115 of the General Laws,
838 chapter 471 of the acts of 1972, chapter 68 of the acts of 1984 and title 108 of the Code of
839 Massachusetts Regulations; (ii) full-time directors of veterans’ services districts and full-time
840 and part-time deputy directors or assistant directors of veterans’ services districts under said
841 chapter 115 of the General Laws, said chapter 471 of the acts of 1972, said chapter 68 of the acts
842 of 1984 and title 108 of the Code of Massachusetts Regulations; (iii) county veterans’ agents
843 under chapter 128 of the acts of 1982; and (iv) the veterans’ benefits and services commissioner
844 in and for the city of Boston under said chapter 115 of the General Laws.

845 SECTION 21. The court administrator shall, in consultation with the department
846 of veterans services, conduct a study and make recommendations relative to the adoption of a
847 court training program to educate and assist court personnel, including court staff, probation
848 officers and their designees, court officers, prosecutors, defense counsel and judges in
849 recognizing veterans issues and determining the appropriate treatment for veterans within the
850 court. The administrative office of the trial court shall file a report with recommendations for a
851 court training program to the joint committee on the judiciary, the joint committee on veterans
852 and federal affairs and the house and senate committees on ways and means by June 1, 2013.

853 SECTION 22. The court administrator shall consult with the United States
854 Department of Veterans Affairs and the department of veterans' services, to conduct a study to
855 examine the intake and review process and disposition, including treatment and diversion
856 options, of veterans, persons on active service in the armed forces of the United States and
857 persons with a history of military service in the armed forces of the United States who face
858 criminal complaints in the courts. The study shall include specific information including, but not
859 limited to, the number of defendants who are veterans, servicemembers or have a history of
860 military service who enter the courts of the commonwealth each year, the number who are
861 eligible to enter treatment and diversion programs, the number screened and assessed for
862 placement in a program, the number that successfully complete a program, the number that do
863 not complete a program and the reason for such incompleteness, the number that are diverted to a
864 program and obtain a dismissal of their court proceedings and the number that enter and
865 complete a program but reoffend and enter the criminal court system again within 1 year of
866 successful completion. The study shall provide recommendations for annual reporting
867 requirements to be provided by the administrative office of the trial court related to veterans in

868 the criminal justice system. The report shall be provided by the court administrator to the
869 department of veterans' services, the joint committee on veterans and federal affairs and the joint
870 committee on the judiciary not later than April 1, 2013. Reporting shall be provided annually by
871 the court administrator to the department and the committees on or before December 1 of each
872 year thereafter.

873 SECTION 23. The court administrator shall, in consultation with the department of
874 veteran services and the department of children and families, conduct a study and make
875 recommendations relative to legal or physical custody or parenting time during the time a parent
876 is on active military duty. Said study shall include a review of any recommendations provided
877 for by the Department of Defense and include an analysis of prohibitions on permanent custody
878 orders during deployment, limitations on the use of past or future deployment in making custody
879 determinations and other protections including, but not limited to, expedited custody hearings,
880 delegated custody rights and electronic testimony and visitations. The court administrator shall
881 file the results of its study along with any recommendations with the joint committee on the
882 judiciary and the joint committee on veterans and federal affairs by June 1, 2013.

883 SECTION 24. The board of higher education shall adopt all necessary rules, regulations
884 and procedures to implement section 42 of chapter 15A of the General Laws not later than March
885 1, 2013.