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SENATE . . . . . No. 2254

Senate, May 3, 2012 -- The Senate Bill relative to veterans' access, livelihood, opportunity, and resources (being the text of Senate, No. 2241, printed as amended)

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

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 forthwith 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:

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

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

SECTION 2. Said section 61 of said chapter 7, as so appearing, is hereby further 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 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 or occupations, training, experience or courses meet the standards of the American
37 Council on Education or equivalent standards for awarding academic credit. The council may
38 also develop and adopt a written policy requiring each public institution of higher education to
39 develop a set of policies and procedures to standardize credit-by-exam equivalencies for exams
40 funded through the department of defense.The educational credit shall be awarded based upon
41 each 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:-

53 Chapter 15E

54 Interstate Compact on Educational Opportunity for Military Children

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

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

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

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

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

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

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

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

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

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

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

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

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

92 “Rule”, a written statement by the interstate commission promulgated under
93 section 12 of this compact that is of general applicability, implements, interprets or prescribes a

94 policy or provision of the compact or an organizational, procedural or practice requirement of the
95 interstate commission and has the force and effect of statutory law in a member state, and
96 includes the amendment, repeal or suspension of an existing rule.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

135 the information provided in the unofficial records, pending validation by the official records, as
136 soon as possible.

137 (b) Simultaneous with the enrollment and conditional placement of the student,
138 the school in the receiving state shall request the student's official education records from the
139 school in the sending state. Upon receipt of this request, the school in the sending state shall
140 process and furnish the official education records to the school in the receiving state within 10
141 days or within the time as is reasonably determined under the rules promulgated by the interstate
142 commission.

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

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

155 Section 4. (a) When a student transfers before or during the school year, the
156 receiving state school shall initially honor placement of the student in educational courses based

157 on the student's enrollment in the sending state school or educational assessments conducted at
158 the school in the sending state if the courses are offered and space is available. Course placement
159 shall include, but not be limited to, honors, international baccalaureate, advanced placement,
160 vocational, technical and career pathways courses. Continuing the student's academic program
161 from the previous school and promoting placement in academically and career challenging
162 courses should be paramount when considering placement. This shall not preclude the school in
163 the receiving state from performing subsequent evaluations to ensure appropriate placement and
164 continued enrollment of the student in the courses.

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

171 (c) In compliance with the federal requirements of the Individuals with
172 Disabilities Education Act (IDEA), 20 U.S.C.A. section 1400 et seq, the receiving state shall
173 initially provide comparable services to a student with disabilities based on: (i) the student's
174 current individualized education program; (ii) the requirements of section 504 of the
175 Rehabilitation Act, 29 U.S.C.A. section 794; and (iii) title II of the Americans with Disabilities
176 Act, 42 U.S.C.A. sections 12131-12165. The receiving state shall make reasonable
177 accommodations and modifications to address the needs of incoming students with disabilities,
178 subject to an existing 504 or title II plan, to provide the student with equal access to education.

179 This shall not preclude the school in the receiving state from performing subsequent evaluations
180 to ensure appropriate placement of the student.

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

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

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

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

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

197 (3) a transitioning military child placed in the care of a non-custodial
198 parent or other person standing in loco parentis who lives in a jurisdiction other than that of the

199 custodial parent, may continue to attend the school in which the child was enrolled while
200 residing with the custodial parent.

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

204 Section 6.

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

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

220 student that addresses the required high school standards; standardized norm-referenced test
221 results in the subject required by the receiving state for graduation; or other relevant information.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

281 (i) establish an executive committee, whose members shall include the officers of
282 the interstate commission and such other members of the interstate commission as determined by
283 the by-laws; provided, that members of the executive committee shall serve a 1-year term and

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

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

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

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

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

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

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

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

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

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

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

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

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

333 Section 9. The interstate commission may:

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

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

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

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

342 (e) purchase and maintain insurance and bonds;

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

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

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

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

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

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

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

356 (m) establish a budget and make expenditures;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

406 (d) The executive committee may, subject to the approval of the interstate
407 commission, appoint or retain an executive director for a period, during which the terms,

408 conditions and compensation shall be set by the interstate commission. The executive director
409 shall serve as secretary to the interstate commission, but shall not be a member of the interstate
410 commission. The executive director shall hire and supervise other personnel when authorized by
411 the interstate commission.

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

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

428 (g) The interstate commission shall defend the executive director and its
429 employees and, subject to the approval of the attorney general or other appropriate legal counsel

430 of the member state represented by an interstate commission, shall defend interstate commission
431 representatives in any civil action seeking to impose liability arising out of an actual or alleged
432 act, error or omission that occurred within the scope of interstate commission employment,
433 duties or responsibilities, or that the defendant had a reasonable basis for believing occurred
434 within the scope of interstate commission employment, duties or responsibilities; provided,
435 however, that the actual or alleged act error or omission did not result from intentional or willful
436 and wanton misconduct on the part of such person.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

516 (d) The interstate commission shall keep accurate accounts of all receipts and
517 disbursements. The receipts and disbursements of the interstate commission shall be subject to
518 the audit and accounting procedures established under its by-laws. All receipts and
519 disbursements of funds handled by the interstate commission shall be audited yearly by a
520 certified or licensed public accountant and the report of the audit shall be included in and become
521 part of the annual report of the interstate commission.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

570 SECTION 7. The third paragraph of section 26 of chapter 31 of the General Laws, as
571 appearing in the 2010 Official Edition, is hereby amended by adding the following sentence:- No
572 appointing authority shall request military medical records for the purpose of employment other
573 than that which is required by the administrator.

574 SECTION 7A. Section 58 of chapter 31 of the General Laws, as so appearing, is hereby
575 amended by inserting after the word “examination”, in line 24, the following words:- ; provided,
576 however, that an applicant who was not 21 years of age on or before the date of an original
577 examination but has since reached such applicant's twenty-first birthday while serving on active
578 military duty shall be eligible for any subsequent make-up examination that is offered.

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

583 SECTION 8. Section 5 of chapter 59 of the General Laws, as so appearing, is hereby
584 amended by striking out, in lines 765 to 767, inclusive, the words “; provided, however, that in
585 no case shall the abatement amount exceed the sum of $2,500 in any fiscal year following the
586 fifth fiscal year of receipt of the abatement”.

587 SECTION 8A. Said chapter 59 of the General Laws, as so appearing , is hereby amended
588 by inserting after section 5M the following section:-

589 Section 5N. In any city or town which accepts this section, the board of selectmen of a
590 town, or in a municipality having a town council form of government, the town council or the
591 mayor, with the approval of the city council in a city, may establish a program to allow veterans,
592 as defined in clause Forty-third of section 7 of chapter 4, to volunteer to provide services to that
593 city or town. In exchange for such volunteer services, the city or town shall reduce the real
594 property tax obligations of that veteran on the veteran's tax bills and that reduction shall be in
595 addition to any exemption or abatement to which that person is otherwise entitled; provided,

596 however, that person shall not receive a rate of, or be credited with, more than the current
597 minimum wage of the commonwealth per hour for the services provided pursuant to that
598 reduction; and provided further, that the reduction of the real property tax bill shall not exceed
599 $750 in a given tax year. It shall be the responsibility of the city or town to maintain a record for
600 each taxpayer including, but not limited to, the number of hours of service and the total amount
601 by which the real property tax has been reduced and to provide a copy of that record to the
602 assessor in order that the actual tax bill reflect the reduced rate. A copy of that record shall also
603 be provided to the taxpayer prior to the issuance of the actual tax bill. The cities and towns shall
604 have the power to create local rules and procedures for implementing this section in a way that is
605 consistent with the intent of this section. Nothing in this section shall be construed to permit the
606 reduction of workforce or otherwise replace existing staff.

607 The amount by which a person's property tax liability is reduced in exchange for the
608 volunteer services shall not be considered income, wages or employment for purposes of taxation
609 as provided in chapter 62, for the purposes of withholding taxes as provided in chapter 62B, for
610 the purposes of workers' compensation as provided in chapter 152 or any other applicable
611 provisions of the General Laws. While providing such volunteer services, that person shall be
612 considered a public employee for the purposes of chapter 258and those services shall be deemed
613 employment for the purposes of unemployment insurance as provided in chapter 151A.

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

619 SECTION 8B. Section 2 of chapter 90 of the General Laws, as so appearing, is hereby
620 amended by inserting after the eighteenth paragraph the following paragraph:-

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

633 SECTION 8C. Chapter 112 of the General Laws, as so appearing, is hereby amended by
634 inserting after section 1A the following section:-

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

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

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

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

664 required in the commonwealth but were not required in the state in which the person was
665 licensed or certified.

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

679 SECTION 9. Section 2 of chapter 115 of the General Laws, as so appearing, is hereby
680 amended by inserting after the word “commissioner”, in line 1, the following words:- shall be a
681 veteran, as defined in clause Forty-third of section 7 of chapter 4 and.

682 SECTION 10. Section 71C of chapter 143 of the General Laws, as so appearing, is
683 hereby amended by inserting after the word “licensee”, in line 45, the following words:- ;
684 provided, however, that if the licensee is on active duty with the armed forces of the United

685 States, the license shall remain valid until the licensee is released from active duty and for a
686 period of not less than 90 days following that release.

687 SECTION 11. Section 62 of chapter 146 of the General Laws, as so appearing, is hereby
688 amended by inserting after the word “certificate”, in line 26, the following words:- ; provided,
689 however, that if the holder of a certificate of competency is on active duty with the armed forces
690 of the United States, the certificate shall remain valid until the holder is released from active duty
691 and for a period of not less than 90 days following that release.

692 SECTION 12. Section 67 of said chapter 146, as so appearing, is hereby amended by
693 inserting, after the word “licensee”, in line 21, the following words:- ; provided, however, that if
694 the licensee is on active duty with the armed forces of the United States, the license shall remain
695 valid until the licensee is released from active duty and for a period of not less than 90 days
696 following that release.

697 SECTION 13. Section 85 of said chapter 146, as so appearing, is hereby amended by
698 inserting after the word “licensee”, in line 33, the following words:- ; provided, however, that if
699 the licensee is on active duty with the armed forces of the United States, the license shall remain
700 valid until the licensee is released from active duty and for a period of not less than 90 days
701 following that release.

702 SECTION 13A. Chapter 147 of the General Laws, as so appearing, is hereby amended
703 by inserting after section 61 the following section:-

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

707 by an individual as a member of the armed forces, as defined in clause Forty-third of section 7 of
708 chapter 4, or the United States military reserves toward the qualifications required to receive the
709 license or certification in question.

710 (b) Notwithstanding any general or special law to the contrary, if a licensee or certificate
711 holder, who received a license or certificate under the authority of the department, is engaged in
712 active service in the armed forces of the United States, as defined in clause Forty-third of section
713 7 of chapter 4, the license or certification held by that licensee or certificate holder shall remain
714 valid until the licensee or certificate holder is released from active duty and for a period of not
715 less than 90 days following that release.

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

729 SECTION 14. Chapter 276A of the General Laws is hereby amended by adding the
730 following 2 sections:-

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

738 The district courts, and in Boston, the municipal court of the city of Boston, shall have
739 jurisdiction to divert to a program any person who is a veteran, as defined in said clause Forty-
740 third of said section 7 of said chapter 4, on active service in the armed forces of the United
741 States, as defined in said clause Forty-third of said section 7 of said chapter 4, or who has history
742 of military service in the armed forces of the United States who is charged with an offense
743 against the commonwealth for which a term of imprisonment may be imposed, regardless of age,
744 who has not previously been convicted of a violation of any law of the commonwealth or of any
745 other state or of the United States in any criminal court proceeding after having reached the age
746 of 18 years, except for traffic violations for which no term of imprisonment may have been
747 imposed, who does not have any outstanding warrants, continuances, appeals or criminal cases
748 pending before any courts of the commonwealth or any other state or of the United States and
749 who has received a recommendation from a program that such person would, in light of the
750 capacities of and guidelines governing it, benefit from participation in said program.

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

765 If the court offers a 14-day continuance to seek an assessment and a defendant chooses to
766 accept the offer of a continuance, the defendant shall notify the court at arraignment. Upon
767 receipt of such notification, the judge may grant a 14-day continuance. The court, through the
768 probation office or the officer's official designee, shall direct the defendant to an assessment
769 program, shall inform the program of the action and shall require that the program provide the
770 probation department and court with its findings. A court may grant a defendant who is
771 preliminarily determined not to be eligible for pre-trial diversion a 14-day continuance for
772 assessment. The court shall consider the opinion of the commonwealth on the merits of granting

773 or denying the continuance. A court may grant a continuance sua sponte or upon motion by the
774 defendant.

775 SECTION 15. The executive office of health and human services, in consultation
776 with the executive office for administration and finance, department of veterans' services, the
777 Soldiers' Home in Massachusetts and the Soldiers' Home in Holyoke shall conduct a fiscal and
778 operational analysis of the impact of designating a non-profit entity as a state soldiers home or
779 assisted living facility. The analysis shall examine the availability of federal, state or private
780 funds to support the construction and operation of additional soldiers' homes or assisted living
781 facilities by the designated non-profit entity, including unused federal per diems under current
782 United States Department of Veterans Affairs apportionment guidelines, provide a 5-year and
783 10-year master plan for capital facility improvements and expansion and estimate long-term
784 costs that may be incurred by the commonwealth for the construction and ongoing maintenance
785 of such a home or assisted living facility. The executive office of health and human services shall
786 submit a copy of the analysis to the clerks of the house of representatives and senate who shall
787 forward copies of the analysis to the house and senate committees on ways and means and the
788 joint committee on veterans and federal affairs by December 1, 2012.

789 SECTION 16. There shall be a special commission to study and make recommendations
790 under chapters 13 and 115 of the General Laws and titles 108 and 230 of the Code of
791 Massachusetts Regulations, relative to the training and the certification, professional licensure or
792 accreditation of veterans' benefits and services officers.

793 The commission shall consist of 6 members: the house and senate chairs of the
794 joint committee on veterans and federal affairs or their designees, who shall serve as co-chairs;

795 the secretary of veterans' services or a designee; the undersecretary of consumer affairs and
796 business regulation or a designee; the president of the Massachusetts Veterans' Service Officers
797 Association or a designee; and the executive director of the Massachusetts Municipal
798 Association or a designee.

799 The commission shall: (i) review and analyze processes and procedures of the
800 department of veterans' services relative to the training or certification of veterans' benefits and
801 services officers; (ii) review and analyze processes and procedures of the United States
802 Department of Veterans Affairs relative to the training and accreditation of representatives of
803 veterans and military service organizations; (iii) review and analyze processes and procedures for
804 the establishment of professional licensure for veterans' benefits and services officers within the
805 commonwealth; (iv) review and analyze the employment processes and procedures of cities and
806 towns, veterans' services districts and the county of Dukes County with respect to veterans'
807 benefits and services officers; (v) analyze and project costs associated with each of these items;
808 and (vi) compile and issue a report of the study with recommendations for legislation relative to
809 the training and the certification, professional licensure or accreditation of veterans' benefits and
810 services officers.

811 The commission shall convene its first official meeting not later than August 1,
812 2012. The commission shall submit a copy of the study with recommendations for legislation to
813 the clerks of the house of representatives and senate who shall forward copies of the study to the
814 house and senate committees on ways and means and the joint committee on veterans and federal
815 affairs by December 1, 2012.

816 As used in this section, the term "veterans' benefits and services officers" shall
817 include: (i) full-time and part-time veterans' agents under chapter 115 of the General Laws,
818 chapter 471 of the acts of 1972, chapter 68 of the acts of 1984 and title 108 of the Code of
819 Massachusetts Regulations; (ii) full-time directors of veterans' services districts and full-time
820 and part-time deputy directors or assistant directors of veterans' services districts under said
821 chapter 115 of the General Laws, said chapter 471 of the acts of 1972, said chapter 68 of the acts
822 of 1984 and title 108 of the Code of Massachusetts Regulations; (iii) county veterans' agents
823 under chapter 128 of the acts of 1982; and (iv) the veterans' benefits and services commissioner
824 in and for the city of Boston under said chapter 115 of the General Laws.

825 SECTION 17. The court administrator shall, in consultation with the department
826 of veterans services, conduct a study and make recommendations relative to the adoption of a
827 court training program to educate and assist court personnel, including court staff, probation
828 officers and their designees, court officers, prosecutors, defense counsel and judges in
829 recognizing veterans issues and determining the appropriate treatment for veterans within the
830 court. The administrative office of the trial court shall file a report with recommendations for a
831 court training program to the joint committee on the judiciary, the joint committee on veterans
832 and federal affairs and the house and senate committees on ways and means by June 1, 2013.

833 SECTION 18. The court administrator shall consult with the United States
834 Department of Veterans Affairs and the department of veterans' services, to conduct a study to
835 examine the intake and review process and disposition, including treatment and diversion
836 options, of veterans, persons on active service in the armed forces of the United States and
837 persons with a history of military service in the armed forces of the United States who face
838 criminal complaints in the courts. The study shall include specific information including, but not

839 limited to, the number of defendants who are veterans, servicemembers or have a history of
840 military service who enter the courts of the commonwealth each year, the number who are
841 eligible to enter treatment and diversion programs, the number screened and assessed for
842 placement in a program, the number that successfully complete a program, the number that do
843 not complete a program and the reason for such incompletion, the number that are diverted to a
844 program and obtain a dismissal of their court proceedings and the number that enter and
845 complete a program but reoffend and enter the criminal court system again within 1 year of
846 successful completion. The study shall provide recommendations for annual reporting
847 requirements to be provided by the administrative office of the trial court related to veterans in
848 the criminal justice system. The report shall be provided by the court administrator to the
849 department of veterans' services, the joint committee on veterans and federal affairs and the joint
850 committee on the judiciary not later than April 1, 2013. Reporting shall be provided annually by
851 the court administrator to the department and the committees on or before December 1 of each
852 year thereafter.

853 SECTION 18A. The court administrator shall, in consultation with the department of
854 veteran services and the department of children and families, conduct a study and make
855 recommendations relative to legal or physical custody or parenting time during the time a parent
856 is on active military duty. Said study shall include a review of any recommendations provided
857 for by the Department of Defense and include an analysis of prohibitions on permanent custody
858 orders during deployment, limitations on the use of past or future deployment in making custody
859 determinations and other protections including, but not limited to, expedited custody hearings,
860 delegated custody rights and electronic testimony and visitations. The court administrator shall

861 file the results of its study along with any recommendations with the joint committee on the

862 judiciary and the joint committee on veterans and federal affairs by June 1, 2013.

863 SECTION 19. The council shall adopt all necessary rules, regulations and procedures to

864 implement section 42 of chapter 15A of the General Laws not later than March 1, 2013.