

SENATE No. 02193

Senate, March 29, 2012 – New draft of Senate, Nos. 1819, 1822, 1823, 1825, 1831 and 1835 and House Nos. 961, 963, 965, 3307, 3323, 3425 and 3658 reported from the committee on Veterans and Federal Affairs.

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 forthwith to provide benefits to certain veterans and servicemembers, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

□

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

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

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

4 Chapter 15E

5 Interstate Compact on Educational Opportunity for Military Children

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

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

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

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

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

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

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

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

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

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

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

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

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

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

43 “Rule”, a written statement by the interstate commission promulgated under section 12 of
44 this compact that is of general applicability, implements, interprets or prescribes a policy or
45 provision of the compact or an organizational, procedural or practice requirement of the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

102 Section 4. (a) When a student transfers before or during the school year, the receiving
103 state school shall initially honor placement of the student in educational courses based on the
104 student's enrollment in the sending state school or educational assessments conducted at the
105 school in the sending state if the courses are offered and space is available. Course placement
106 shall include, but not be limited to, honors, international baccalaureate, advanced placement,

107 vocational, technical and career pathways courses. Continuing the student's academic program
108 from the previous school and promoting placement in academically and career challenging
109 courses should be paramount when considering placement. This shall not preclude the school in
110 the receiving state from performing subsequent evaluations to ensure appropriate placement and
111 continued enrollment of the student in the courses.

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

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

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

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

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

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

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

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

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

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

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

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

169 (c) Should a military student transferring at the beginning or during grade 12 be ineligible
170 to graduate from the receiving local education agency after all alternatives in subsection (b) have
171 been considered, the sending and receiving local education agencies shall ensure the receipt of a
172 diploma from the sending local education agency, if the student meets the graduation
173 requirements of the sending local education agency. In the event that either the transferring or
174 receiving state is not a member of this compact, the member state shall use best efforts to
175 facilitate the on-time graduation of the student under subsections (a) and (b).

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

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

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

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

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

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

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

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

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

210 (e) prohibit the delegation of a vote from 1 member state to another member state;
211 provided, that in the event the compact commissioner is unable to attend a meeting of the

212 interstate commission, the governor or state council may delegate voting authority to another
213 person from their state for a specified meeting;

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

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

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

226 (i) establish an executive committee, whose members shall include the officers of the
227 interstate commission and such other members of the interstate commission as determined by the
228 by-laws. Members of the executive committee shall serve a 1-year term. Members of the
229 executive committee shall be entitled to 1 vote each. The executive committee shall have the
230 power to act on behalf of the interstate commission, with the exception of rulemaking during
231 periods when the interstate commission is not in session. The executive committee shall oversee
232 the day-to-day activities of the administration of the compact including enforcement and
233 compliance with the compact, its by-laws and rules and other such duties as deemed necessary.

234 The U.S. Department of Defense shall serve as an ex-officio, non-voting member of the
235 executive committee;

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

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

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

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

248 (3) disclose trade secrets or commercial or financial information which is
249 privileged or confidential;

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

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

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

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

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

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

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

275 Section 9. The interstate commission may:

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

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

298 (m) establish a budget and make expenditures;

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

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

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

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

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

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

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

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

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

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

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

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

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

324 (5) establishing the titles and responsibilities of the officers and staff of the
325 interstate commission;

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

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

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

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

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

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

352 (e) The interstate commission's executive director and its employees shall be immune
353 from suit and liability, either personally or in their official capacity, for a claim for damage to or
354 loss of property, personal injury or other civil liability caused by, arising out of or relating to an
355 actual or alleged act, error or omission that occurred, or that such person had a reasonable basis
356 for believing occurred, within the scope of interstate commission employment, duties or
357 responsibilities; provided, that such person shall not be protected from suit or liability for

358 damage, loss, injury or liability caused by the intentional or willful and wanton misconduct of
359 such person.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

455 (d) The interstate commission shall keep accurate accounts of all receipts and
456 disbursements. The receipts and disbursements of the interstate commission shall be subject to
457 the audit and accounting procedures established under its by-laws. All receipts and
458 disbursements of funds handled by the interstate commission shall be audited yearly by a
459 certified or licensed public accountant and the report of the audit shall be included in and become
460 part of the annual report of the interstate commission.

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

462 (b) The compact shall become effective and binding upon legislative enactment of the
463 compact into law by no less than 10 states. The effective date shall be no earlier than December
464 1, 2007. Thereafter it shall become effective and binding as to any other member state upon
465 enactment of the compact into law by that state. The governors of non-member states or the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

512 SECTION 4. Said section 40N of said chapter, as so appearing, is hereby amended in line
513 11, by inserting after the word “businesses”, the following: “and service-disabled veteran-owned
514 small businesses”

515 SECTION 5. Said section 40N of said chapter, as so appearing, is hereby amended, in
516 line 14, by inserting after the word “market”, the following: “; (6) minority, women and veterans
517 business enterprises frequently face special handicaps and problems in achieving viable
518 economic status; (7) the commonwealth is committed to creating a culture of inclusion that
519 values and promotes non-discrimination, equal opportunity and diversity in all aspects of
520 Commonwealth employment, business, programs, activities, and services”

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

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

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

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

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

536 SECTION 11. Said section 40N of said chapter, as so appearing, is hereby amended, in
537 line 58, by inserting after the word “project.”, a new paragraph as follows: ““Service-Disabled
538 Veteran-Owned Small Business”, a business that is verified by the federal government’s
539 Department of Veterans Affairs pursuant to the Veterans Benefits, Health Care, and Information
540 Technology Act of 2006, Pub. L. 109-461, the procurement program for verified service-disabled
541 veteran-owned small businesses or veteran-owned small businesses, and determined to be a
542 service-disabled veteran-owned small business concern in accordance with 38 CFR Part 74 and
543 Pub. L. 111-275.”

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

659 SECTION 48. Said section 40N of said chapter, as so appearing, is hereby amended, in
660 line 134, after the words “program, the”, by striking out the words “state office of minority and
661 women business assistance” and inserting in place thereof: “supplier diversity office”

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

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

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

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

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

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

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

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

686 SECTION 57. Said section 61 of said chapter, as so appearing, is hereby amended, in line
687 29, by inserting after the word “women”, the following: “and veteran”

688 SECTION 58. Said section 61 of said chapter, as so appearing, is hereby amended, in line
689 33, after the word “minority”, by striking out the word “and” and inserting in place there of: “,”

690 SECTION 59. Said section 61 of said chapter, as so appearing, is hereby amended, in line
691 33, by inserting after the word “women”, the following: “and veteran”

692 SECTION 60. Said section 61 of said chapter, as so appearing, is hereby amended, in line
693 37, after the word “minority”, by striking out the word “and” and inserting in place there of: “,”

694 SECTION 61. Said section 61 of said chapter, as so appearing, is hereby amended, in line
695 37, by inserting after the word “women”, the following: “and veteran”

696 SECTION 62. Said section 61 of said chapter, as so appearing, is hereby amended, in line
697 41-42, after the word “minority”, by striking out the word “and” and inserting in place there of:
698 “,”

699 SECTION 63. Said section 61 of said chapter, as so appearing, is hereby amended, in line
700 42, by inserting after the word “women”, the following: “and veteran”

701 SECTION 64. Said section 61 of said chapter, as so appearing, is hereby amended, in line
702 42, after the word “minority”, by striking out the word “and” and inserting in place there of: “,”

703 SECTION 65. Said section 61 of said chapter, as so appearing, is hereby amended, in line
704 42, by inserting after the word “women”, the following: “and veteran”

705 SECTION 66. Said section 61 of said chapter, as so appearing, is hereby amended, in line
706 57, after the word “persons”, by striking out the word “and” and inserting in place there of: “,”

707 SECTION 67. Said section 61 of said chapter, as so appearing, is hereby amended, in line
708 57, by inserting after the word “women”, the following: “and veterans”

709 SECTION 68. Said section 61 of said chapter, as so appearing, is hereby amended, in line
710 64, after the word “minority”, by striking out the word “and” and inserting in place there of: “,”

711 SECTION 69. Said section 61 of said chapter, as so appearing, is hereby amended, in line
712 64, by inserting after the word “women”, the following: “and veteran”

713 SECTION 70. Said section 61 of said chapter, as so appearing, is hereby amended, in line
714 80, after the words “minority-owned”, by striking out the word “and” and inserting in place there
715 of: “businesses,”

716 SECTION 71. Said section 61 of said chapter, as so appearing, is hereby amended, in line
717 80, by inserting after the word “businesses”, the following: “and service-disabled veteran-owned
718 small businesses”

719 SECTION 72. Said section 61 of said chapter, as so appearing, is hereby amended, in line
720 82-83, after the words “minority-owned”, by striking out the word “and” and inserting in place
721 there of: “business,”

722 SECTION 73. Said section 61 of said chapter, as so appearing, is hereby amended, in line
723 83, by inserting after the word “business”, the following: “and service-disabled veteran-owned
724 small business”

725 SECTION 74. Said section 61 of said chapter, as so appearing, is hereby amended, in line
726 84-85, after the word “minority-owned business”, by striking out the word “and” and inserting in
727 place there of: “,”

728 SECTION 75. Said section 61 of said chapter, as so appearing, is hereby amended, in line
729 85, by inserting after the words “women-owned business”, the following: “and service-disabled
730 veteran-owned small business”

731 SECTION 76. Said section 61 of said chapter, as so appearing, is hereby amended, in line
732 86, after the word “businesses”, by striking out the word “and” and inserting in place there of: “,”

733 SECTION 77. Said section 61 of said chapter, as so appearing, is hereby amended, in line
734 87, by inserting after the word “businesses”, the following: “and service-disabled veteran-owned
735 small businesses”

736 SECTION 78. Said section 61 of said chapter, as so appearing, is hereby amended, in line
737 104, after the words “minority owned businesses”, by striking out the word “and” and inserting
738 in place there of: “,”

739 SECTION 79. Said section 61 of said chapter, as so appearing, is hereby amended, in line
740 104, by inserting after the words “women owned businesses”, the following: “and service-
741 disabled veteran-owned small businesses”

742 SECTION 80. Said section 61 of said chapter, as so appearing, is hereby amended, in line
743 109, after the words “minority owned businesses”, by striking out the word “and” and inserting
744 in place there of: “,”

745 SECTION 81. Said section 61 of said chapter, as so appearing, is hereby amended, in line
746 109, by inserting after the words “women owned businesses”, the following: “and service-
747 disabled veteran-owned small businesses”

748 SECTION 82. Said section 61 of said chapter, as so appearing, is hereby amended, in line
749 114, after the words “women-owned businesses”, by striking out the words “or both” and
750 inserting in place there of: “, service-disabled veteran-owned small businesses, or all three”

751 SECTION 83. Said section 61 of said chapter, as so appearing, is hereby amended, in line
752 116, after the words “minority-owned businesses”, by striking out the word “and” and inserting
753 in place there of: “,”

754 SECTION 84. Said section 61 of said chapter, as so appearing, is hereby amended, in line
755 116, by inserting after the words “women-owned businesses”, the following: “and service-
756 disabled veteran-owned small businesses”

757 SECTION 85. Said section 61 of said chapter, as so appearing, is hereby amended, in line
758 118, by inserting after the word “factors”, the following: “and in no case shall the participation
759 goals established for service-disabled veteran-owned small businesses be lower than the greater
760 of the participation goals established for minority-owned and women-owned businesses”

761 SECTION 86. Said section 61 of said chapter, as so appearing, is hereby amended, in line
762 132, after the words “minority owned business”, by striking out the word “and” and inserting in
763 place there of: “,”

764 SECTION 87. Said section 61 of said chapter, as so appearing, is hereby amended, in line
765 132, by inserting after the words “women owned business”, the following: “and service-disabled
766 veteran-owned small business”

767 SECTION 88. Said section 61 of said chapter, as so appearing, is hereby amended, in line
768 133, after the words “minority-owned”, by striking out the word “or” and inserting in place there
769 of: “business,”

770 SECTION 89. Said section 61 of said chapter, as so appearing, is hereby amended, in line
771 133, by inserting after the words “women-owned business”, the following: “or service-disabled
772 veteran-owned small business”

773 SECTION 90. Said section 61 of said chapter, as so appearing, is hereby amended, in line
774 136, after the words “minority-owned”, by striking out the word “and” and inserting in place
775 there of: “businesses,”

776 SECTION 91. Said section 61 of said chapter, as so appearing, is hereby amended, in line
777 136, by inserting after the words “women-owned businesses”, the following: “and service-
778 disabled veteran-owned small businesses”

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

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

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

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

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

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

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

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

802 SECTION 98. Section 67 of Chapter 146 of the General Laws, as so appearing in the
803 2008 official Edition, is hereby amended by adding the following sentences: Notwithstanding
804 the provisions of this section, if the licensee is on active duty with the armed forces of the United
805 States, as defined in clause Forty-third of section 7 of chapter 4 of the Massachusetts General
806 Laws, the license shall remain valid until the licensee is released from active duty and for a
807 period of not less than 90 days following said release.

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

810 Section 10. The probation officers of a district, municipal or superior court, or their
811 official designee, when gathering information in accordance with section 85 of chapter 276 of
812 the General Laws, shall, at or prior to arraignment of a defendant on a criminal complaint, make

813 inquiry of the defendant as to whether he or she is a veteran or current servicemember of, or has
814 a history of military service in, the armed forces of the United States. The probation officers or
815 their official designee shall screen the defendant for the purpose of enabling the judge at
816 arraignment to consider the eligibility of the defendant for diversion to a program, or treatment
817 as part of disposition.

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

831 If a defendant chooses to accept the offer of a continuance for the purpose of such an
832 assessment, he or she shall so notify the judge at arraignment. Upon receipt of such notification,
833 the judge shall grant a 14-day continuance. The judge, through the probation office or its official
834 designee, shall direct the defendant to an assessment program and shall inform said program of
835 such action and require that the program provide the probation department and court with its

836 findings. The judge may, in his or her discretion, grant a defendant who is preliminarily
837 determined not to be eligible for pre-trial diversion, a 14-day continuance for assessment. In
838 arriving at such a decision, the opinion of the prosecution should be taken into consideration.
839 Such a continuance may be granted upon the judge's own initiative or upon request by the
840 defendant.

841 Section 10A. The administrative office of the trial court shall, in consultation with the
842 department of veterans services conduct a study and make recommendations relative to the
843 adoption of a court training program to educate and assist court personnel, including court staff,
844 probation officers, their designees, court officers, prosecutors, defense counsel, and judges in
845 recognizing veterans issues and determining the appropriate treatment for veterans within the
846 court. The administrative office of the trial court shall file a report with recommendations for a
847 court training program to the joint committee on the judiciary, the joint committee on veterans
848 and federal affairs and the house and senate committees on ways and means no later than June 1,
849 2013.

850 Section 10B. The administrative office of the trial court shall, in consultation with the
851 US Department of Veterans Affairs and department of veterans' services, conduct a study to
852 examine the intake and review process and disposition, including treatment and diversion
853 options, of veterans who face criminal complaints in the courts. The study shall include specific
854 information including, but not limited to, the number of defendants who are veterans,
855 servicemembers or have a history of military service who enter the courts of the commonwealth
856 each year, the number who are eligible to enter treatment and diversion programs, the number
857 screened and assessed for the purpose of being placed in a program, the number that successfully
858 complete a program, the number that do not complete a program and the reason therefore, the

859 number that are diverted to a program and obtain a dismissal of their court proceedings, and the
860 number that enter and complete a program but reoffend and enter the criminal court system again
861 within one year of successful completion. A written report of the study's findings shall set forth
862 annual reporting requirements to be provided by the courts related to veterans in the criminal
863 justice system. Said report shall be provided by the chief justice of administration and
864 management to the department of veterans' services, the joint committee on veterans and federal
865 affairs and the joint committee on the judiciary by April 1, 2013. Reporting shall be provided
866 annually by the administrative office of the trial court to said department and said committees on
867 or before December 1, 2013 of each year thereafter.

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

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

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

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

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

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

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

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

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

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

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

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

922 SECTION 104. Notwithstanding any general or special law to the contrary, all
923 unrestricted funds received by the corporation after the effective date of this act, including

924 federal Veterans' Administration stipend funds, shall be held in a permanent fund to be used as
925 needed by the administrator for the support and maintenance of the state homes. A percentage of
926 these funds approved by the board of trustees must be placed in reserve for capital improvement
927 expenditures. Upon construction or purchase, the corporation shall operate the state homes as
928 self-liquidating projects until all of the bonds issued pursuant to subsection (g) of section 100 are
929 retired. The corporation shall retain as direct income revenue any stipend funds it may receive
930 from the federal Veterans' Administration for the state veterans' homes eligible resident
931 population.

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

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

946 SECTION 107. There shall be a special commission to study and make
947 recommendations pursuant to chapters 13 and 115 of the General Laws and titles 108 and 230 of
948 the Code of Massachusetts Regulations, relative to the training and the certification, professional
949 licensure or accreditation of veterans' benefits and services officers.

950 The committee shall consist of 7 members: 1 member of the senate who shall be the
951 chair of the joint committee on veterans and federal affairs ,or a designee; who shall serve as
952 co-chair of the commission; 1 member of the house of representatives who shall be the chair of
953 the joint committee on veterans and federal affairs or a designee, who shall serve as co-chair of
954 the commission; the secretary of the department of veterans' services or a designee; the
955 undersecretary of the office of consumer affairs and business regulation or a designee; the
956 president of the Mass. Veterans' Service Agents Association, Inc. or a designee; the executive
957 director of the Massachusetts Municipal Association, Inc. or a designee; and the veterans'
958 benefits and services commissioner in and for the city of Boston.

959 The commission shall review and analyze processes and procedures of the department of
960 veterans' services relative to the training or certification of veterans' benefits and services
961 officers; review and analyze processes and procedures of the United States Department of
962 Veterans Affairs relative to the training and accreditation of representatives of veterans and
963 military service organizations; review and analyze processes and procedures for the
964 establishment of professional licensure for veterans' benefits and services officers within the
965 commonwealth; review and analyze the employment processes and procedures of cities and
966 towns, veterans' services districts and the county of Dukes County with respect to veterans'
967 benefits and services officers; analyze and project costs associated with each of these items; and
968 compile and issue a report of the study with recommendations for legislation relative to the

969 training and the certification, professional licensure or accreditation of veterans' benefits and
970 services officers.

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

976 As used in this section, the term "veterans' benefits and services officers" shall include:
977 (1) full-time and part-time veterans' agents under chapter 115 of the General Laws, chapter
978 471 of the Acts of 1972, chapter 68 of the Acts of 1984 and title 108 of the Code of
979 Massachusetts Regulations; (2) full-time directors of veterans' services districts and full-time
980 and part-time deputy directors or assistant directors of veterans' services districts under chapter
981 115 of the General Laws, chapter 471 of the Acts of 1972, chapter 68 of the Acts of 1984 and
982 title 108 of the Code of Massachusetts Regulations; (3) county veterans' agents under chapter
983 128 of the acts of 1982; and (4) the veterans' benefits and services commissioner in and for the
984 city of Boston under chapter 115 of the General Laws.