

The Commonwealth of Massachusetts

JUL 25 2018

Senate,.....

The Committee of Conference, to whom were referred the matters of difference between the two branches with reference to the House amendment to the Senate Bill relative to veterans' benefits, rights, appreciation, validation and enforcement (Senate, No. 2509)(amended by the House by striking out all after the enacting clause and inserting in place thereof the text of House document numbered 4540)

REPORTS, a "Bill relative to veterans' benefits, rights, appreciation, validation and enforcement" (Senate, No. 2632)

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

SENATE, July 25, 2018

Report of the committee of conference on the disagreeing votes of the two branches, with reference to the House amendments to the Senate Bill relative to veterans' benefits, rights, appreciation, validation and enforcement (Senate, No. 2509) (amended by the House by striking out all after the enacting clause and inserting in place thereof the text of House document numbered 4540),-- reports, a "Bill relative to veterans' benefits, rights, appreciation, validation and enforcement" (Senate, No. 2632).

For the Committee:

Michael F. Rush	John J. Lawn, Jr.
William N. Brownsberger	Claire D. Cronin
Donald F. Humason, Jr.	David F. DeCoste

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

An Act relative to veterans' benefits, rights, appreciation, validation and enforcement.

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. Chapter 6 of the General Laws is hereby amended by inserting after section
2 15GGGGGG the following 2 sections:-

3 Section 15HHHHHH. The governor shall annually issue a proclamation setting apart the
4 fifth day of April as Gold Star Wives Day and recommending that the day be observed in an
5 appropriate manner by the people, including prominent display of the Gold Star Flag on the
6 property of the State House.

7 Section 15IIIII. The governor shall annually issue a proclamation setting apart the last
8 Sunday in September as Gold Star Mothers and Families Day and recommending that the day be
9 observed in an appropriate manner by the people, including prominent display of the Gold Star
10 Flag on the property of the State House.

11 SECTION 2. Chapter 10 of the General Laws is hereby amended by adding the following
12 section:-

13 Section 78. (a) As used in this section, "active service in the armed forces" shall not
14 include active duty for training in the Army National Guard or Air National Guard or active duty
15 for training as a reservist in the armed forces of the United States.

16 As used in this section, the term "armed forces" shall mean the United States Army,
17 Army of the United States, Army Reserves, United States Navy, United States Naval Reserve,

18 United States Marine Corps, United States Marine Corps Reserve, United States Coast Guard,
19 United States Coast Guard Reserve, Army Nurse Corps, Navy Nurse Corps, United States Air
20 Force, United States Air Force Reserve, Air National Guard and Army National Guard and
21 including women's branches of said armed forces.

22 (b)(1) Upon application, as provided in this section, there shall be allowed and paid out of
23 the treasury of the commonwealth, without appropriation, the sums specified in this section to
24 each person who has served in the armed forces of the United States in active service as part of
25 Operation Enduring Freedom, Operation Iraqi Freedom, Operation Noble Eagle, Operation
26 Inherent Resolve, Operation Freedom Sentinel or any successor or related operation and who
27 was discharged or released under honorable conditions for such service; provided, however, that
28 the domicile of a person on account of whose service the application is filed shall have been in
29 the commonwealth for a period of not less than 6 months before the time of the person's entry
30 into the service.

31 (2) One thousand dollars shall be allowed and paid out to each such veteran who
32 performed active service outside of the continental limits of the United States for which the
33 veteran qualified for hostile fire or imminent danger pay as determined by the United States
34 Department of Defense.

35 (3) Five hundred dollars shall be allowed and paid out to each such veteran who
36 performed active duty within the continental limits of the United States or outside the continental
37 limits of the United States but did not qualify for hostile fire or imminent danger pay as
38 determined by the United States Department of Defense for a period of not less than 6 months.

39 (4) Thereafter, upon return from each subsequent deployment defined under this section,
40 there shall be allowed and paid out of the treasury of the commonwealth, subject to
41 appropriation, 50 per cent of the sums specified in paragraphs (2) and (3) to each such veteran.

42 (c) If a person who is deceased would, if alive, be entitled to the benefits of this section,
43 the sum named in this section shall be paid to the decedent's heirs-at-law; provided, however,
44 that if there is more than 1 heir-at-law, payments shall, in either case, be made in such
45 proportions as the state treasurer shall determine; provided further, that the state treasurer, in
46 determining the order of precedence, shall, so far as practicable, observe the following order: (i)

47 spouse and children; (i) mother or father; (iii) brother or sister and (iv) other dependents. A right
48 or payment under this section shall not be subject to the claims of creditors, capable of
49 assignment, regarded as assets, legal or equitable of the estate of the deceased or made the basis
50 for administration thereof.

51 (d) If a person died while in active service, a sum of \$1,000 shall be paid in the manner
52 provided by subsection (c) in addition to any unpaid amount the person would have been eligible
53 to receive pursuant to subsection (b).

54 (e) Applications under this section shall be filed with the state treasurer, upon forms to be
55 furnished by state treasurer. The state treasurer may accept the written statement of the clerk of a
56 city or town that a person claiming pay or on whose account pay is claimed by a dependent or
57 heir-at-law, under this section, was domiciled therein on the first day of January, in any year, as
58 prima facie evidence of the fact of such domicile and may accept such other evidence of
59 domicile as the state treasurer may consider adequate or necessary. The clerk of a city or town
60 shall, at the request of the state treasurer, immediately furnish such information relative to such
61 domicile as the clerk's records may disclose. The state treasurer may require and accept such
62 additional evidence as the state treasurer may consider necessary to establish the fact of domicile
63 within the commonwealth as provided under paragraph (1) of subsection (b). The adjutant
64 general shall certify to the state treasurer the dates of service and any other military information
65 necessary to carry out this section. The state treasurer shall furnish to the adjutant general a copy
66 of a DD-214 form or equivalent documentation as determined by the adjutant general for the
67 permanent records of the military division of the commonwealth.

68 Whoever knowingly makes a false statement, oral or written, relating to a material fact in
69 supporting a claim under this section, shall be punished by a fine of not more than \$1,000, by
70 imprisonment for not more than 3 years or both such fine and imprisonment. An offense under
71 this section may be prosecuted by the attorney general, or under the attorney general's direction,
72 in any court within the commonwealth, and all fines collected thereunder shall be paid to the
73 treasury of the commonwealth.

74 The state treasurer shall section upon all applications made under this section, and may
75 expend for clerical assistance and for such other expenses sums necessary in carrying out this
76 section, not exceeding the sums appropriated for this purpose.

77 There shall be a payments appeal board. The board shall consist of: a member of the
78 department of the state treasurer to be designated by the state treasurer; an assistant attorney
79 general to be designated by the attorney general; and the adjutant general or a designee. A person
80 aggrieved by a decision of the state treasurer in the matter of payments provided for by this
81 section may appeal to the board and shall be entitled to a hearing, after due notice, upon such
82 appeal. The decision of the board shall be final.

83 (f) The state treasurer may establish, and from time to time revise, such rules and
84 regulations as may be necessary or desirable to carry out this section.

85 SECTION 3. Chapter 29 of the General Laws is hereby amended by inserting after
86 section 2YYYY the following section:-

87 Section 2ZZZZ. (a) There shall be a Massachusetts Veterans and Warriors to Agriculture
88 Program Fund. The fund shall be administered by the department of agricultural resources.
89 Notwithstanding any general or special law to the contrary, there shall be credited to the fund
90 any revenue from appropriations or other money authorized by the general court and specifically
91 designated to be credited to the fund and any gifts, grants, private contributions or investment
92 income earned on the fund's assets and all other sources. Money deposited in the fund that is
93 unexpended at the end of the fiscal year shall not revert to the General Fund and shall be
94 available for expenditure in the subsequent year and shall not be subject to section 5C.

95 (b) The department of agricultural resources, in consultation with the department of
96 veteran services, shall establish, develop and implement the Massachusetts Veterans and
97 Warriors to Agriculture Program to enhance the education, training, employment, income,
98 productivity and retention of veterans currently working or aspiring to work in the field of
99 agriculture in the commonwealth. Amounts credited to the fund shall be used, without further
100 appropriation, for the costs associated with administering and implementing the program and
101 may also be used to provide grants or loans on a competitive basis to public, private and
102 charitable entities to finance projects in furtherance of purpose of the program. Expenditures

103 from the fund for such purpose shall complement and not replace existing local, state, private or
104 federal funding for related training and educational programs.

105 SECTION 4. The third paragraph of section 26 of chapter 31 of the General Laws, as
106 appearing in the 2016 Official Edition, is hereby amended by striking out the last sentence and
107 inserting in place thereof the following 3 sentences:- Notwithstanding the administrator's right to
108 require a physician's certificate in the case of a disabled veteran, an appointing authority shall
109 not require, request or accept an individual's military medical record or military personnel
110 service record for the purpose of employment; provided, however, that an appointing authority
111 may require, request or accept the individual's DD-214 form. An appointing authority shall not
112 impose a term or condition on an individual as a condition of obtaining or retaining employment
113 if compliance with the term or condition would require the individual to present the individual's
114 military medical record or military personnel service record as set forth in this paragraph;
115 provided, however, that an appointing authority may impose a term or condition requiring the
116 individual to present the individual's DD-214 form. Nothing in this section shall prohibit an
117 appointing authority to require military service records if the condition stated on the individual's
118 DD-214 form is other than honorable.

119 SECTION 5. Subdivision (1) of section 4 of chapter 32 of the General Laws, as so
120 appearing, is hereby amended by inserting after paragraph (r) the following paragraph:-

121 (r^{1/2}) Notwithstanding any general or special law to the contrary, a member in service
122 who: (i) served in the United States Public Health Service Commissioned Corps or the National
123 Oceanic and Atmospheric Administration Commissioned Officer Corps; (ii) has completed not
124 less than 4 years of membership service; and (iii) has retired or will retire on or after January 1,
125 1975 shall receive full credit for the period of such service; provided, however, that such a
126 member shall receive credit for not more than 4 years of that service. Eligibility for the creditable
127 service of members in service shall be conditioned upon payment into the annuity savings fund
128 of the applicable retirement system, in 1 sum or in installments upon such terms as the applicable
129 retirement board may provide, of an amount equal to the contributions that a member would have
130 otherwise paid into the retirement system plus buyback interest thereon for the period of
131 commissioned corps service based upon the annual salary the member received in the first year
132 of membership service after the member's commissioned corps service.

133 SECTION 6. Section 59 of chapter 33 of the General Laws, as so appearing, is hereby
134 amended by striking out, in lines 6 and 7, the words “34 days in any state fiscal year and not
135 exceeding 17” and inserting in place thereof the following figure:- 40.

136 SECTION 7. Subsection (a) of said section 59 of said chapter 33, as so appearing, is
137 hereby amended by adding the following sentence:- For the purposes of this subsection, “day”
138 shall mean any 24-hour period regardless of calendar day.

139 SECTION 8. Said section 59 of said chapter 33, as so appearing, is hereby further
140 amended by adding the following subsection:-

141 (f) For the purposes of this section, “base pay for military service” shall not include any
142 housing, incentive, bonus, skills pay, allowance or other stipend or benefit paid to the employee
143 for the employee’s military service.

144 SECTION 9. Chapter 40 of the General Laws is hereby amended by inserting after
145 section 22A¹/₂ the following section:-

146 Section 22A³/₄. (a) A municipality may designate a parking space at the city or town hall
147 for the parking of a veteran in a motor vehicle that is owned and operated by the veteran and that
148 displays a veteran registration plate issued pursuant to section 2 of chapter 90. The parking space
149 shall be available during the normal business hours of the city or town hall for use by such
150 veteran without charge. The municipality shall erect and maintain a sign designating such a
151 parking space that shall bear the words “Veteran Parking Only – this space is reserved for those
152 who have served. Unauthorized Vehicles May Be Removed At The Vehicle Owner's Expense”.
153 The parking space shall only be used by a veteran that meets the requirements of this subsection.

154 (b) A violation of subsection (a) shall be punished by a fine of \$100 and the city or town
155 may provide for the removal of a vehicle in the manner provided in section 22D. The penalty
156 shall not be a surchargeable offense under section 113B of chapter 175.

157 SECTION 10. Section 5 of chapter 59 of the General Laws, as appearing in the 2016
158 Official Edition, is hereby amended by inserting after clause Seventeenth E the following
159 clause:-

160 Seventeenth F, Notwithstanding any provision of general or special law to the contrary,
161 an abatement granted pursuant to clause Seventeenth, Seventeenth C, Seventeenth C½ or
162 Seventeenth D may be increased annually at the discretion of a city or town by an amount not to
163 exceed the increase in the cost of living as determined by the Consumer Price Index for such
164 year. This clause shall take effect in a city or town upon its acceptance by such city or town.

165 SECTION 11. Said section 5 of said chapter 59, as so appearing, is hereby further
166 amended by striking out, in lines 595, 651, 676, 725, 770 and 842, the word "five" and inserting
167 in place thereof, in each instance, the following figure:- 2.

168 SECTION 12. Said section 5 of said chapter 59, as so appearing, is hereby further
169 amended by inserting after the word "cross", in line 688, the third time it appears, the following
170 words:- , or who is or was a prisoner of war.

171 SECTION 13. The first paragraph of clause Twenty-second A of said section 5 of said
172 chapter 59, as so appearing, is hereby amended by adding the following sentence:- For the
173 purposes of this section, the term "prisoner of war" shall mean a regularly appointed, enrolled,
174 enlisted or inducted member of the military forces of the United States who was captured,
175 separated and incarcerated by an enemy of the United States during an armed conflict.

176 SECTION 14. Said section 5 of said chapter 59, as so appearing, is hereby further
177 amended by striking out, in lines 817 and 881, the figure "5" and inserting in place thereof, in
178 each instance, the following figure:- 2.

179 SECTION 15. Said section 5 of said chapter 59, as so appearing, is hereby further
180 amended by striking out clause Twenty-second G and inserting in place thereof the following 2
181 clauses:-

182 Twenty-second G. In any city or town that accepts this clause, real estate that is the
183 domicile of a person but is owned by a trustee, conservator or other fiduciary for the person's
184 benefit if the real estate would be eligible for exemption under clause Twenty-second, Twenty-
185 second A, Twenty-second B, Twenty-second C, Twenty-second D, Twenty-second E or Twenty-
186 second F if the person were the owner of the real estate.

187 Twenty-second H. Real estate to the full amount of the taxable valuation of real property
188 of the surviving parents or guardians of soldiers and sailors, members of the National Guard and
189 veterans who: (i) during active duty service, suffered an injury or illness documented by the
190 United States Department of Veterans Affairs or a branch of the armed forces that was a
191 proximate cause of their death; or (ii) are missing in action with a presumptive finding of death
192 as a result of active duty service as members of the armed forces of the United States; provided,
193 however, that the real estate shall be occupied by the surviving parents or guardians as the
194 surviving parents' or guardians' domicile; and provided further, that the surviving parents or
195 guardians shall have been domiciled in the commonwealth for the 5 consecutive years
196 immediately before the date of filing for an exemption pursuant to this clause or the soldier or
197 sailor, member of the National Guard or veteran was domiciled in the commonwealth for not less
198 than 6 months before entering service.

199 Surviving parents or guardians eligible for an exemption pursuant to this clause shall be
200 eligible regardless of when the soldier, sailor, member of the National Guard or veteran died or
201 became missing in action with a presumptive finding of death; provided, however, that the
202 exemption shall only apply to tax years beginning on or after January 1, 2019. Such exemption
203 shall be available until such time as the surviving parents or guardians are deceased. No real
204 estate shall be so exempt which has been conveyed to the surviving parents or guardians to evade
205 taxation. This clause shall take effect upon its acceptance by any city or town.

206 SECTION 16. Clause Fifty-fifth of said section 5 of said chapter 59, as so appearing, is
207 hereby amended by striking out the second paragraph.

208 SECTION 17. Section 5N of said chapter 59, as so appearing, is hereby amended by
209 striking out, in lines 16 and 43, the figure "\$1,000" and inserting in place thereof, in each
210 instance, the following figure:- \$1,500.

211 SECTION 18. Section 1 of chapter 60A of the General Laws, as so appearing, is hereby
212 amended by inserting after the word "guard", in line 137, the following words:- or reserves.

213 SECTION 19. Section 2 of chapter 90 of the General Laws is hereby amended by
214 inserting after the word "vehicle", in line 507, as so appearing, the following words:- or to the
215 registrant of a motor vehicle that is owned by a partnership, trust or corporation if the motor

216 vehicle otherwise meets the criteria of a private passenger vehicle and there is no distinctive
217 promotional or advertisement marking visible on the motor vehicle.

218 SECTION 20. Said section 2 of said chapter 90 is hereby further amended by inserting
219 after the word "person", in line 512, as so appearing, the following words:- or for 1 motor
220 vehicle that is owned by a partnership, trust or corporation if the motor vehicle otherwise meets
221 the criteria of a private passenger vehicle, there is no distinctive promotional or advertisement
222 marking visible on the motor vehicle and the motor vehicle is principally used by that person.

223 SECTION 21. Said section 2 of said chapter 90 is hereby further amended by inserting
224 after the word "person", in line 517, as so appearing, the following words:- or for 1 motor
225 vehicle that is owned by a partnership, trust or corporation if the motor vehicle otherwise meets
226 the criteria of a private passenger vehicle, there is no distinctive promotional or advertisement
227 marking visible on the motor vehicle and the motor vehicle is principally used by that person.

228 SECTION 22. Said section 2 of said chapter 90 is hereby further amended by inserting
229 after the word "vehicle", in line 521, as so appearing, the following words:- or a motor vehicle
230 that is owned by a partnership, trust or corporation if the motor vehicle otherwise meets the
231 criteria of a private passenger vehicle and there is no distinctive promotional or advertisement
232 marking visible on the motor vehicle.

233 SECTION 23. Section 240 of chapter 112 of the General Laws, as so appearing, is hereby
234 amended by adding the following sentence:- The board shall promulgate regulations to determine
235 the allowable education and work hour credits for veterans and military personnel.

236 SECTION 24. Section 2 of chapter 115 of the General Laws, as so appearing, is hereby
237 amended by adding the following paragraph:-

238 The commissioner shall create and maintain a list of firms and organizations willing to
239 provide pro bono legal representation to veterans in the commonwealth. Such information shall
240 be updated annually and shall be distributed to veteran's agents and available online.

241 SECTION 25. Section 6 of said chapter 115, as so appearing, is hereby amended by
242 adding the following sentence:- The commonwealth shall make payments to cities and towns
243 equal to 100 per cent of the amount of benefits paid by cities and towns to or on behalf of

244 recipients living in permanent housing located on real property owned by the federal government
245 or living in institutions or transitional housing, as defined in 108 CMR 2.02, if such housing is
246 located on real property owned by the federal government; provided, however, that such
247 payments shall be made to the city or town in which the recipient resides only for 48 months of
248 residence; provided further, that such payments shall not be made for a recipient who has resided
249 elsewhere in the city or town for the 6 consecutive months immediately preceding the recipient's
250 move into such housing.

251 SECTION 26. Section 6B of said chapter 115, as amended by section 51 of chapter 47 of
252 the acts of 2017, is hereby further amended by adding the following paragraph:-

253 Notwithstanding any general or special law to the contrary, an annuity payment made to a
254 recipient pursuant to this section shall not constitute income in an application or formula utilized
255 by the commonwealth or a political subdivision to determine eligibility for a program or service
256 funded or provided by the commonwealth. Notwithstanding the forgoing, such an annuity
257 payment may constitute income if not doing so would, under federal law, prohibit eligibility or
258 otherwise negatively impact the recipient's benefits under the program or service; provided,
259 however, that the commonwealth or a political subdivision thereof shall seek a waiver from any
260 federal law with such an eligibility requirement.

261 SECTION 27. Section 8 of said chapter 115, as appearing in the 2016 Official Edition, is
262 hereby amended by striking out the first sentence and inserting in place thereof the following
263 sentence:- If a deceased person's estate has insufficient resources to pay for the cost of the
264 funeral and burial of a deceased person covered by this chapter, the burial agent under section 7
265 shall expend not more than \$4,000 for the funeral and burial; provided, however, that the cost of
266 the funeral and burial shall be not more than \$5,000.

267 SECTION 28. The first paragraph of section 25 of chapter 118E of the General Laws, as
268 so appearing, is hereby amended by inserting after clause (4) the following clause:-

269 (4½) the entire amount of a monthly payment to a veteran or a widowed spouse of a
270 veteran, including pension, aid and attendance and housebound benefits, from the United States
271 Department of Veterans Affairs if the veteran or widowed spouse would not have received such

272 a payment from the United States Department of Veterans Affairs but for unreimbursed medical
273 expense; and.

274 SECTION 29. Section 52 of chapter 130 of the General Laws, as so appearing, is hereby
275 amended by inserting after the word "therefor", in line 61, the following words:- ; provided,
276 however, that such city or town shall not charge a veteran a fee greater than the fee charged to a
277 resident of such city or town.

278 SECTION 30. Section 2A of chapter 141 of the General Laws, as so appearing, is hereby
279 amended by adding the following sentence:- The examiners shall promulgate regulations to
280 determine the allowable education and work hour credits for veterans and military personnel.

281 SECTION 31. The second paragraph of section 4 of chapter 142 of the General Laws, as
282 so appearing, is hereby amended by adding the following sentence:- The examiners shall
283 promulgate regulations to determine the allowable education and work hour credits for veterans
284 and military personnel.

285 SECTION 32. Chapter 149 is hereby amended by striking out section 52A $\frac{1}{2}$, as so
286 appearing, and inserting in place thereof the following section:-

287 Section 52A $\frac{1}{2}$. An employee who is a veteran or a member of a department of war
288 veterans listed in section 17 of chapter 8 and who desires to participate in a Memorial Day
289 exercise, parade or service in the employee's community of residence shall be allowed and
290 granted a leave of absence of sufficient time to participate in such an exercise, parade or service
291 in the employee's community of residence. The leave of absence shall be with or without pay, at
292 the discretion of the employee's employer.

293 An employee who is a veteran or is a member of a department of war veterans listed in
294 said section 17 of said chapter 8 shall be granted time off to observe Veterans Day. The time off
295 shall be with or without pay, at the discretion of the employee's employer.

296 This section shall not apply to employees whose services are essential and critical to the
297 public health or safety and determined to be essential to the safety and security of such an
298 employee's employer or the property of the employer.

299 SECTION 33. Section 3 of chapter 276A of the General Laws, as so appearing, is hereby
300 amended by striking out the first paragraph and inserting in place thereof the following
301 paragraph:-

302 The probation officers of a district or municipal court, or an official designee of such a
303 probation officer, when gathering information in accordance with section 85 of chapter 276, shall
304 also screen each defendant for the purpose of enabling the judge at arraignment to consider the
305 eligibility of the defendant for diversion to a program. The probation officers or an official
306 designee shall also confirm the defendant's status as a veteran or as a person on active service in
307 the armed forces of the United States and shall determine if the defendant has previously been
308 diverted pursuant to clause (ii) of subsection (c) of section 4.

309 SECTION 34. Said section 3 of said chapter 276A, as so appearing, is hereby further
310 amended by inserting after the second paragraph the following paragraph:-

311 A defendant who is determined to be a veteran or a person on active service in the armed
312 forces of the United States and who is qualified for consideration to diversion to a program may,
313 at arraignment, be afforded a 30-day continuance for assessment by the United States
314 Department of Veteran's Affairs or another state or federal agency with suitable knowledge and
315 experience of veterans affairs to determine if the veteran or person on active service would
316 benefit from such program.

317 SECTION 35. Said chapter 276A is hereby further amended by striking out section 4,
318 inserted by section 198 of chapter 69 of the acts of 2018, and inserting in place thereof the
319 following section:-

320 Section 4. (a) For the purposes of this section, the term "serious mental illness" shall
321 mean a current or recent diagnosis by a qualified mental health professional of at least 1 of the
322 following disorders described in the most recent edition of the Diagnostic and Statistical Manual
323 of Mental Disorders: (i) schizophrenia and other psychotic disorders; (ii) major depressive
324 disorders; (iii) all types of bipolar disorders; (iv) a neurodevelopmental disorder, dementia or
325 other cognitive disorder; (v) any disorder commonly characterized by breaks with reality or
326 perceptions of reality; (vi) all types of anxiety disorders; (vii) trauma and stressor related
327 disorders; or (viii) severe personality disorders.

328 (b) A person shall not be diverted to a program pursuant to this chapter if the person is
329 charged with an offense: (i) that is enumerated in the second sentence of section 70C of chapter

330 277; (ii) for which a penalty of incarceration greater than 5 years may be imposed or for which
331 there is a minimum mandatory penalty of incarceration; or (iii) that shall not be continued
332 without a finding or placed on file.

333 (c) Notwithstanding any contrary provision of this section, a person may be diverted to a
334 program pursuant to this chapter if the person is: (i) charged with an offense pursuant to
335 subsection (a) of section 13A of chapter 265 or section 13A or 13C of chapter 268; or (ii) a
336 veteran or a person on active service in the armed forces of the United States charged with an
337 offense pursuant to subparagraph (1) of paragraph (a) of subsection (1) of section 24 of chapter
338 90 who: (A) has never previously been arrested for or been the subject of a complaint alleging a
339 violation of an offense pursuant to said subparagraph (1) of said paragraph (a) of said subsection
340 (1) of said section 24 of said chapter 90 or a like offense in another state or the United States or a
341 military, territorial or Indian tribal authority; and (B) has been clinically diagnosed with a
342 traumatic brain injury, substance abuse disorder or serious mental illness in connection with the
343 veteran's military service or the person's active duty. The court shall consider the opinion of the
344 prosecution in determining whether to divert a veteran or person on active service to a program
345 pursuant to clause (ii). Diversion of a district court charge under this chapter shall not preclude a
346 subsequent indictment on the same charges in superior court.

347 SECTION 39. Chapter 186 of the acts of 2007 is hereby amended by striking out, in line
348 17, the words "section 16 of chapter 130 of the acts of 2005" and inserting in place thereof the
349 following words:- section 78 of chapter 10 of the General Laws.

350 SECTION 40. Section 11 of chapter 132 of the acts of 2009 is hereby repealed.

351 SECTION 41. Section 86 of chapter 47 of the acts of 2017 is hereby repealed.

352 SECTION 42. Notwithstanding any special or general law to the contrary, any veteran, as
353 defined in clause Forty-third of section 7 of chapter 4 of the General Laws, or any active duty
354 member of the armed forces of the United States of the commonwealth who has received a
355 Bronze Star award for valiant service shall be eligible for a Bronze Star plate, as verified by
356 either a DD-214 or 638 form, from the registry of motor vehicles.

357 SECTION 43. The department of veterans' services, in coordination with the executive
358 office for administration and finance and the military division of the executive office of public

359 safety and security, shall study the feasibility and costs associated with designating members of
360 the Massachusetts national guard and the reserve forces of the United States with status as
361 veterans under clause Forty-third of section 7 of chapter 4 of the General Laws.

362 The department shall report its findings to the clerks of the house of representatives and
363 senate and the joint committee on veterans and federal affairs not later than September 1, 2019.

364 SECTION 44. There shall be established a special commission, established and governed
365 by section 2A of chapter 4 of the General Laws, to study the cost and feasibility of exempting
366 veterans of the commonwealth from tuition, fees and associated costs of attending public
367 colleges and universities in the commonwealth, due to recent changes in federal veteran services
368 and benefits related to higher education.

369 The commission shall consist of: the secretary of veterans' services or a designee, who
370 shall serve as co-chair; the commissioner of higher education or a designee, who shall serve as
371 co-chair; 1 member appointed by the governor who shall be a member of the Student Veterans of
372 America; 1 member appointed by the speaker of the house of representatives; 1 member
373 appointed by the senate president; 1 member appointed by the minority leader of the house of
374 representatives; 1 member appointed by the minority leader of the senate; the house and senate
375 chairs of the joint committee on higher education or their designees; the house and senate chairs
376 of the joint committee on veterans and federal affairs or their designees; the chair of the house
377 committee on ways and means or a designee; and the senate chair of the committee on ways and
378 means or a designee.

379 The study shall include, but not be limited to: (i) an evaluation of the cost and feasibility
380 of exempting veterans from paying tuition, fees and associated costs at public colleges and
381 universities in the commonwealth; (ii) the societal impact of such an exemption for veterans and
382 their families; and (iii) the effect of such a policy on the finances of the commonwealth.

383 The commission shall report its findings and any recommendations to the joint committee
384 on veterans and federal affairs, the joint committee on higher education and the clerks of the
385 house and senate not later than July 1, 2019.

386 SECTION 45. The executive office of health and human services, in conjunction with the
387 department of veterans' services, shall conduct a study on access to benefits of the United States
388 Department of Veterans Affairs for military veterans who may be in state or county correctional
389 custody in the commonwealth.

390 The study shall investigate any impediments, through state, county or federal policy,
391 logistical challenges or otherwise, that veterans in custody may face when seeking to apply for
392 benefits under a federal or state program or seeking to access medical evaluations for the purpose
393 of completing, revising or renewing such a benefit's application.

394 The office shall submit a report on the study to the clerks of the senate and house, the
395 joint committee on veterans and federal affairs and the senate and house committees on ways and
396 means not later than July 1, 2019.

397 SECTION 46. Notwithstanding any general or special law to the contrary, the department
398 of veterans' services, in consultation with the public employee retirement administration
399 commission, shall conduct a study on the feasibility and cost to the commonwealth of allowing a
400 member of a retirement system who: (i) is a veteran, as defined in clause Forty-third of section 7
401 of chapter 4 of the General Laws; and (ii) served in the armed forces of the United States, to
402 receive credit for active service in the armed services of the United States; provided, however,
403 that such creditable service shall not include service for more than 4 years; provided further, that
404 such creditable service shall not be allowed for any period of active service for which the veteran
405 has received credit pursuant to paragraph (h) of subdivision (1) of section 4 of chapter 32 of the
406 General Laws; and provided further, that the amount shall not exceed the 80 per cent allowed to
407 retire. Creditable service time, both enlisted and commissioned, may be applied toward
408 retirement on a ratio of 5 years guard service or 5 years active reserve service substitutable for
409 each year of active service. The department shall also examine the feasibility of including
410 members of the nurse cadet core in the definition of "veteran" said clause Forty-third of said
411 section 7 of said chapter 4.

412 The study, along with any recommendations, shall be submitted to the clerks of the house
413 and senate, the joint committee on public service, the joint committee on veterans and federal
414 affairs and the house and senate committees on ways and means by March 1, 2019.

415 SECTION 47. The executive office of health and human services, in conjunction with the
416 department of veterans' services and the center for health information and analysis, shall conduct
417 a study on the transportation of veterans in emergency medical situations to facilities that are not
418 facilities of the United States Department of Veterans Affairs. For the purposes of this section,
419 "veteran" shall mean a veteran who is receives benefits under the TRICARE program, as defined
420 in 10 U.S.C. 1072(7).

421 The study shall: (i) identify, after seeking consultation with the United States Department
422 of Veterans Affairs, reimbursement guidelines for ambulance services for transportation of
423 veterans to facilities that are not facilities of the United States Department of Veterans Affairs in
424 emergency medical situations; (ii) identify gaps in reimbursement payments where the
425 commonwealth may be eligible for payments to health care facilities or for ambulance services;
426 (iii) determine the associated costs and the reimbursements that are available to veterans when
427 transported to facilities that are not facilities of the United States Department of Veterans
428 Affairs; (iv) recommend potential notification procedures by medical facilities to advise veterans
429 regarding the process of seeking state or federal medical reimbursements; and (v) recommend
430 any gaps to insure proper continuity of care.

431 The office shall submit a report on the study to the clerks of the senate and house, the
432 joint committee on veterans and federal affairs, the joint committee on health care financing and
433 the senate and house committees on ways and means not later than March 1, 2019.

434 SECTION 48. The executive office of health and human services, in consultation with
435 the executive office of public safety and security, shall partner with a college or university in the
436 commonwealth to conduct a study relative to the needs of veterans and military members in the
437 criminal justice system who are suffering from mental health or substance abuse issues
438 associated with their service in the military. The study shall review and make legislative
439 recommendations for issues including, but not limited to, current court programs available to
440 veterans, the effectiveness of pre-trial diversion, pre-trial probation, post-conviction relief, access
441 to treatment programs, tracking of cases, victims' rights and assistance and outreach and training
442 to judges with the goal of reducing recidivism and maintaining independence and sobriety
443 through systems integration, outreach and recovery for traumatized veterans.

444 The executive office shall file a report on the study with the joint committee on veterans
445 and federal affairs, the joint committee on the judiciary, the joint committee on mental health and
446 substance use and recovery, the house and senate committees on ways and means, the executive
447 office of the trial court and the Massachusetts District Attorneys Association not later than
448 January 1, 2020.

Senate, No. 2632

Bill relative to veterans' benefits, rights, appreciation,
validation and enforcement

Michael F. Rush

Michael F. Rush

William N. Brownsberger

William N. Brownsberger

Donald F. Humason, Jr.

Donald F. Humason, Jr.

Of the Senate.

John J. Lawn, Jr.

John J. Lawn, Jr.

Claire D. Cronin

Claire D. Cronin

David F. DeCoste

David F. DeCoste

Of the House.

Senate,

July 26, 2018

Accepted. Sent down for concurrence.

William F. Welch

Clerk.

House of Representatives,

July 27, 2018, 19

Accepted, in concurrence.

Steven J. James

Clerk.

Rush
Brownsberger
Hamas
REPORT

SENATE

Cronin
Decoste

52632 218

REPORT of the Committee of Confer-
ence on the matters of difference between
the two branches with reference to the

Horse amendments to the Senate

Bill relative to veterans'

benefits, rights, appreciation,

validation and enforcement (Senate,

No. 2509).

Senate Committee on BTR

Correctly drawn

[Signature]
For the Committee

SENATE, 2018
Rules suspended -
Report of the committee of
conference accepted.
(38 years - 0 days)

HR, ~~July~~ 27, 2018
Referred, under Rule 7A, to the committee
on Steering, Policy and Scheduling.

[Signature]
Clerk

placed in O.D. for a second reading.

[Signature]
For the committee.

Rule 7A suspended,
conference committee
report accepted,
in concurrence.
(HRC # 422)

Correctly drawn,

for B.T.R.