

Chapter 218

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:

SECTION 1. Chapter 6 of the General Laws is hereby amended by inserting after section 15GGGGGG the following 2 sections:-

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

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

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

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

As used in this section, the term "armed forces" shall mean the United States Army, Army of the United States, Army Reserves, United States Navy, United States Naval Reserve, United States Marine Corps, United States Marine Corps Reserve, United States Coast Guard, United States Coast Guard Reserve, Army Nurse Corps, Navy Nurse Corps, United States Air Force, United States Air Force Reserve, Air National Guard and Army National Guard and including women's branches of said armed forces.

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

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

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

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

(c) If a person who is deceased would, if alive, be entitled to the benefits of this section, the sum named in this section shall be paid to the decedent's heirs-at-law; provided, however, that if there is more than 1 heir-at-law, payments shall, in either case, be made in such proportions as the state treasurer shall determine; provided further, that the state treasurer, in determining the order of precedence, shall, so far as practicable, observe the following order: (i) spouse and children; (ii) mother or father; (iii) brother or sister and (iv) other dependents. A right or payment under this section shall not be subject to the claims of creditors, capable of assignment, regarded as assets, legal or equitable of the estate of the deceased or made the basis for administration thereof.

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

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

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

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

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

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

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

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

(b) The department of agricultural resources, in consultation with the department of veteran services, shall establish, develop and implement the Massachusetts Veterans and Warriors to Agriculture Program to enhance the education, training, employment, income, productivity and retention of veterans currently working or

aspiring to work in the field of agriculture in the commonwealth. Amounts credited to the fund shall be used, without further appropriation, for the costs associated with administering and implementing the program and may also be used to provide grants or loans on a competitive basis to public, private and charitable entities to finance projects in furtherance of purpose of the program. Expenditures from the fund for such purpose shall complement and not replace existing local, state, private or federal funding for related training and educational programs.

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

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

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

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

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

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

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

SECTION 9. Chapter 40 of the General Laws is hereby amended by inserting after section 22A^{1/2} the following section:-

Section 22A^{3/4}. (a) A municipality may designate a parking space at the city or town hall for the parking of a veteran in a motor vehicle that is owned and operated by the veteran and that displays a veteran registration plate issued pursuant to section 2 of chapter 90. The parking space shall be available during the normal business hours of the city or town hall for use by such veteran without charge. The municipality shall erect and

maintain a sign designating such a parking space that shall bear the words “Veteran Parking Only – this space is reserved for those who have served. Unauthorized Vehicles May Be Removed At The Vehicle Owner's Expense”. The parking space shall only be used by a veteran that meets the requirements of this subsection.

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

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

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

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

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

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

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

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

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

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

Surviving parents or guardians eligible for an exemption pursuant to this clause shall be eligible regardless of when the soldier, sailor, member of the National Guard or veteran died or became missing in action with a presumptive finding of death; provided, however, that the exemption shall only apply to tax years beginning on or after January 1, 2019. Such exemption shall be available until such time as the surviving parents or

guardians are deceased. No real estate shall be so exempt which has been conveyed to the surviving parents or guardians to evade taxation. This clause shall take effect upon its acceptance by any city or town.

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

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

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

SECTION 19. Section 2 of chapter 90 of the General Laws is hereby amended by inserting after the word "vehicle", in line 507, as so appearing, the following words:- or to the registrant of a motor vehicle that is owned by a partnership, trust or corporation if the motor vehicle otherwise meets the criteria of a private passenger vehicle and there is no distinctive promotional or advertisement marking visible on the motor vehicle.

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

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

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

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

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

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

SECTION 25. Section 6 of said chapter 115, as so appearing, is hereby amended by adding the following sentence:- The commonwealth shall make payments to cities and towns equal to 100 per cent of the amount of benefits paid by cities and towns to or on behalf of recipients living in permanent housing located on real property owned by the federal government or living in institutions or transitional housing, as defined in 108 CMR 2.02, if such housing is located on real property owned by the federal government; provided, however, that such payments shall be made to the city or town in which the recipient resides only for 48 months of residence; provided further, that such payments shall not be made for a recipient who has resided elsewhere in the city or town for the 6 consecutive months immediately preceding the recipient's move into such housing.

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

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

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

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

(4½) the entire amount of a monthly payment to a veteran or a widowed spouse of a veteran, including pension, aid and attendance and housebound benefits, from the United States Department of Veterans Affairs if the veteran or widowed spouse would not have received such a payment from the United States Department of Veterans Affairs but for unreimbursed medical expense; and.

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

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

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

SECTION 32. Chapter 149 is hereby amended by striking out section 52A½, as so appearing, and inserting in place thereof the following section:-

Section 52A½. An employee who is a veteran or a member of a department of war veterans listed in section 17 of chapter 8 and who desires to participate in a Memorial Day exercise, parade or service in the employee's community of residence shall be allowed and granted a leave of absence of sufficient time to participate in such an exercise, parade or service in the employee's community of residence. The leave of absence shall be with or without pay, at the discretion of the employee's employer.

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

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

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

The probation officers of a district or municipal court, or an official designee of such a probation officer, when gathering information in accordance with section 85 of chapter 276, shall also screen each defendant for the purpose of enabling the judge at arraignment to consider the eligibility of the defendant for diversion to a program. The probation officers or an official designee shall also confirm the defendant's status as a veteran or

as a person on active service in the armed forces of the United States and shall determine if the defendant has previously been diverted pursuant to clause (ii) of subsection (c) of section 4.

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

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

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

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

(b) A person shall not be diverted to a program pursuant to this chapter if the person is charged with an offense: (i) that is enumerated in the second sentence of section 70C of chapter 277; (ii) for which a penalty of incarceration greater than 5 years may be imposed or for which there is a minimum mandatory penalty of incarceration; or (iii) that shall not be continued without a finding or placed on file.

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

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

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

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

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

SECTION 43. The department of veterans' services, in coordination with the executive office for administration and finance and the military division of the executive office of public safety and security, shall study the feasibility and costs associated with designating members of the Massachusetts national guard and

the reserve forces of the United States with status as veterans under clause Forty-third of section 7 of chapter 4 of the General Laws.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved, August 9, 2018.