SENATE DOCKET, NO. 1464 FILED ON: 1/18/2013

SENATE . . . . . No. 1743

The Commonwealth of Massachusetts

PRESENTED BY:

Richard T. Moore

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to certified veterans agents.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Richard T. Moore	*Worcester and Norfolk*

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SENATE . . . . . No. 1743

By Mr. Richard T. Moore, a petition (accompanied by bill, Senate, No. 1743) of Richard T. Moore for legislation relative to veterans agents. Veterans and Federal Affairs.

The Commonwealth of Massachusetts

An Act relative to certified veterans agents.

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

SECTION 1. Section 2 of chapter 115 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting the following after the second paragraph:-

The secretary shall promulgate regulations to ensure local veteran service officers and agents, appointed under section 3 of this chapter, are trained and certified, including but not limited to assessing penalties against any municipality, district or veterans service officer or agent not in compliance with this statute or regulations promulgated hereto. Veteran service officers and agents shall be trained and certified within twelve months of appointment pursuant to section 3 of this chapter. Veterans service officers and agents currently appointed pursuant to section 3 of this chapter shall be shall be certified within twelve months of the date said regulations are promulgated. Certification must be renewed every five years. To be eligible for certification as a veterans service officer or agent, the candidate shall (i) be appointed locally pursuant to section 3 of chapter 115 of the General Laws; (ii) pass a test established by the secretary which shall demonstrate the skills necessary to effectively represent veterans which shall include, but not be limited to the following areas of knowledge: the chapter 115 program, federal and local benefits, including employment, education, health care, retirement and other veterans' benefits; and alternative resources, including those which are partially or wholly subsidized by the federal government, such as Medicaid, supplemental security income and social security disability benefits, as well as federal pension and compensation entitlements. The secretary shall collaborate with the Massachusetts Veterans Service Officers Association in formulating said training and certification. The secretary shall offer a certification test at least two times per calendar year.

The secretary shall establish standards for the training and support of veteran service officers and agents consistent with the requirements of this paragraph. During the period of employment, a person holding a veterans service officer or agent certificate pursuant to this section shall be under the direct supervision of the mayor, town manager, board of selectmen, or

26 regional district board or others who shall regularly observe and evaluate the performance of
27 assigned duties by veterans service officer or agent.

28 At the request of any municipality or district, the secretary shall offer such training and
29 testing to any person who works directly for a certified veterans service officer or agent.

30 SECTION 2. Chapter 233 of the General Laws, as appearing in the 2010 Official
31 Edition, is hereby amended by inserting, after section 20L, the following new section:-

32 Section 20M. A veterans service officer or agent, appointed in accordance with section 3
33 of chapter 115, and certified according to section 2 of chapter 115, shall not disclose any
34 information transmitted in confidence by and between a veteran and a veterans service officer or
35 agent by a means which does not disclose the information to a person other than a person present
36 for the benefit of the veteran, or to those to whom disclosure of such information is reasonably
37 necessary to the assistance of the veteran. Such communications include all information
38 received by the veterans service officer or agent which arises out of and in the course of such
39 assistance, including, but not limited to, reports, records, working papers or memoranda. Such
40 confidential communication shall not be subject to discovery in any civil, legislative or
41 administrative proceeding without the prior written consent of the veteran to whom such
42 confidential communication relates. In criminal actions, such confidential communication shall
43 be subject to discovery and shall be admissible as evidence, but only to the extent the
44 information contained therein which is exculpatory in relation to the defendant; provided,
45 however, that the court shall first examine such confidential communication and shall determine
46 whether or not such exculpatory information is therein contained before allowing such discovery
47 or the introduction of such evidence.