

HOUSE No. 4477

The text of a further amendment, offered by Mr. Parisella of Beverly) to the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2350) of the House Bill relative to housing, operations, military service, and enrichment (House, No. 4285). July 7, 2016.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

By striking out all after the enacting clause and inserting in place thereof the following:—

1 SECTION 1. Chapter 2 of the General Laws is hereby amended by adding the following
2 section:-

3 Section 63. The Gold Star Families Memorial Monument located in Bicentennial Park in
4 the city of Fall River shall be the official Gold Star Families Memorial Monument of the
5 commonwealth.

6 SECTION 2. Chapter 6 of the General Laws is hereby amended by striking out section
7 71, as appearing in the 2014 Official Edition, and inserting in place thereof the following
8 section:-

9 Section 71. The board of trustees of the Soldiers' Home in Holyoke shall manage and
10 control the Soldiers' Home in Holyoke and all property, real and personal, of the commonwealth
11 that is occupied or used by the home. In the management and control of the home, the board of
12 trustees shall: (i) adopt reasonable rules and regulations governing outpatient treatment at,

admission to and hospitalization in the home; and (ii) appoint a superintendent. The superintendent shall be the administrative head of the home. The superintendent shall, subject to the approval of the trustees, appoint and may remove a medical director, a treasurer and an assistant treasurer. The treasurer and assistant treasurer shall devote their full time and attention to the duties of their office. Section 49 of chapter 31 shall apply to the appointment of the treasurer and assistant treasurer. The medical director shall have responsibility for the medical, surgical and outpatient facilities and shall make recommendations to the superintendent regarding the appointments of all physicians, nurses and other medical staff. The superintendent shall also appoint and remove such other persons as the superintendent deems necessary for the proper and efficient operation of the facilities of the home.

SECTION 3. Section 35CC of chapter 10 of the General Laws, as so appearing, is hereby amended by inserting after the word “action”, in line 8, the following words:- or related to military service.

SECTION 4. Section 16 of chapter 15A of the General Laws, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- There shall be a Public Service Scholarship Program to provide scholarships to the: (i) children and widowed spouses of Massachusetts police officers, firefighters and correction officers who were killed or died from injuries received while in the performance of their duties, including authorized training duty; (ii) children of prisoners of war or of military or service persons missing in action; and (iii) children of veterans whose service was credited to the commonwealth and who were killed in action or otherwise died as a result of such service.

SECTION 5. Section 26 of chapter 31 of the General Laws, as so appearing, is hereby amended by inserting after the word “honor”, in line 25, the following words:- , distinguished service medal or silver star medal.

SECTION 6. Section 59 of chapter 33 of the General Laws, as so appearing, is hereby amended by striking out, in line 5, the word “annual” and inserting in place thereof the following words:- service in the uniformed services, annual.

SECTION 7. Subsection (a) of said section 59 of said chapter 33, as so appearing, is hereby further amended by adding the following sentence:- For the purposes of this section, “uniformed services” shall have the same meaning as defined in section 13.

SECTION 8. Said section 59 of said chapter 33, as so appearing, is hereby further amended by striking out subsection (d) and inserting in place thereof the following 2 subsections:-

(d) An employee of the commonwealth in a reserve component of the armed forces of the United States who is ordered to service for more than 30 consecutive days shall be paid the regular base salary as a public employee for each pay period of such military leave of absence, reduced by any amount received either from the United States or the commonwealth as base pay for military service performed during the same pay period. No such employee shall lose any seniority or accrued vacation leave, sick leave, personal leave, compensation time or earned overtime.

(e) An employee of a county, city or town which, by vote of its county commissioners, city council or inhabitants at a town meeting, has accepted this section or similar provisions of

earlier laws, shall be entitled to the benefits and protections of this section or the benefits of the accepted earlier law.

SECTION 9. Section 5 of chapter 59 of the General Laws, as so appearing, is hereby amended by striking out clause Twenty-second D and inserting in place thereof the following clause:-

Twenty-second D, Real estate to the full amount of the taxable valuation of real property of the surviving spouses 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 which 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 spouse as the surviving spouse's domicile; and provided further, that the surviving spouse 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 at least 6 months before entering service.

A surviving spouse 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, 2017. Such exemption shall be available until such time as the surviving spouse dies or remarries.

No real estate shall be exempt under this clause if it was conveyed to the surviving spouse to evade taxation. The amount of the exemption shall be borne by the commonwealth, and the state treasurer shall annually reimburse the city or town for the amount of the tax which otherwise would have been collected for this exemption.

SECTION 10. Said section 5 of said chapter 59, as so appearing, is hereby further amended by inserting after the word “paraplegics”, in line 866, the following words:- or have a disability rating of 100 per cent for service-connected blindness.

SECTION 11. Section 2C of chapter 60 of the General Laws, as so appearing, is hereby amended by inserting after the word “penalty”, in line 57, the following words:- ; provided, however, that the municipality shall not arrange for and assign or transfer to a purchaser the right to receive payments if the treasurer or tax collector of said municipality receives notice before the transfer that the taxpayer is a veteran as defined in section 7 of chapter 4.

SECTION 12. Said chapter 60 of the General Laws is hereby further amended by inserting after section 3E the following section:-

3F. Any city, town or district in the commonwealth that accepts this section may designate a place on its municipal property tax bills or motor vehicle excise tax bills, or mail with such tax bills a separate form whereby taxpayers of the city, town or district can voluntarily check off, donate, and pledge an amount of money, which shall increase the amount already due, to establish and fund a municipal veterans assistance fund under the supervision of the local veterans agent, the board or officer in charge of the collection of the municipal charge, fee or fine, or the town collector of taxes.

97 The purpose of this fund is to provide support for veterans and their dependents in need
98 of immediate assistance with food, transportation, heat, and oil expenses. The city, town or
99 district's veterans' services department shall: (a) establish an application process for veterans and
100 their dependents to obtain assistance;(b) establish standards for acceptable documentation of
101 veteran status or dependent status; and (c) establish financial eligibility criteria for determining
102 need and amount of assistance for eligible applicants. Said veterans' services department shall be
103 responsible for reviewing each applicant, and fairly applying said eligibility and level of need
104 standards.

105 SECTION 13. Section 1 of chapter 60A of the General Laws, as appearing in the 2014
106 Official Edition, is hereby amended by striking out the eighth paragraph and inserting in place
107 thereof the following paragraph:—

108 The excise imposed by this chapter shall not apply to a motor vehicle owned and
109 registered by or leased to a resident who is in active and full-time military service as a member in
110 the armed forces of the United States or the national guard, army or air, of any state, and has
111 been deployed or stationed outside the territorial boundaries of the commonwealth for a period of
112 at least 180 continuous days in the calendar year of the exemption. If the military member is
113 wounded or killed in an armed conflict, he shall not be subject to the foregoing period of service
114 qualification for the calendar year in which he is wounded or killed. This exemption shall apply
115 only to a motor vehicle owned and registered by or leased to a military member in his own name
116 or jointly with a spouse for a non-commercial purpose and a military member may qualify for
117 this exemption for only 1 motor vehicle for each calendar year. Said vehicle shall not be operated
118 on the ways of the commonwealth and operation is subject to the penalties under section 9 of
119 chapter 90.

SECTION 14. Section 2 of chapter 90 of the General Laws, as so appearing, is hereby amended by inserting after the twenty-first paragraph the following paragraph:-

The registrar shall recognize the eligibility of the next of kin of a member of the military, in possession of a Gold Star Lapel Button, under regulations prescribed by the United States Secretary of Defense, to obtain a “Gold Star Family” registration plate. Possession of a Gold Star Lapel Button and a letter of approval, both issued by the United States Department of Defense, shall be sufficient proof of eligibility for the registrar to furnish a Gold Star Family registration plate. The possession of a Gold Star Lapel Button shall not be a requirement of eligibility for persons who have otherwise presented satisfactory evidence of Gold Star family member status as determined by the registrar.

SECTION 15. The first paragraph of section 3 of chapter 115 of the General Laws, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The mayor of each city, except Boston, and the board of selectmen of each town may appoint a veterans’ agent who shall serve for a term of up to 3 years and shall be eligible for reappointment. The veterans’ agent may act for the mayor or the board of selectmen in the disbursement of veterans’ benefits by the city or town; provided, however, that in each town that has a part-time veterans’ agent, the town clerk shall receive applications and assist applicants for veterans’ benefits and shall submit the applications to the veterans’ agent.

SECTION 16. Chapter 115A of the General Laws is hereby amended by adding the following section:-

Section 12. (a) There shall be within the department of veterans’ services an office of veterans’ homes and housing. The commissioner of veterans’ services shall appoint an executive

director of veterans' homes and housing who shall have: (i) at least 5 years of management, healthcare experience and (ii) military or other experience working with veterans. The duties of the executive director shall include, but not be limited to: (i) oversight of the office; and (ii) service as an advisor to the commissioner of veterans' services on matters relative to veterans' housing. The position of executive director shall be classified pursuant to section 45 of chapter 30. The executive director may, with the approval of the commissioner of veterans' services, appoint and remove any employees necessary to carry out the duties of the office. Unless otherwise provided by law, all such appointments and removals shall be made pursuant to chapter 31. The office shall: (1) coordinate and oversee implementation and enforcement of laws, regulations and policies relative to the veterans' homes and other housing for veterans; and (2) investigate and make recommendations on best practices for providing housing for veterans. The executive director shall meet with the board of trustees of the Soldiers' Home in Massachusetts and the Soldiers' Home in Holyoke jointly at least twice per calendar year. The executive director shall have access to all property of the commonwealth under the oversight of the department of veterans services to carry out the duties of the office; provided, however, the board of trustees of the Soldiers' Home in Massachusetts or the Soldiers' Home in Holyoke shall not be subject to the control of the executive director; and provided further the executive director shall not have control over the day-to-day operations of the Soldiers' Home in Massachusetts or the Soldiers' Home in Holyoke.

(b) Annually, not later than November 1, the office shall submit a report to the general court on the state of the soldiers' homes. The report shall include findings relative to: (i) the quality of care provided at the homes; (ii) the financial status of the homes; (iii) the uniformity of programs at the homes; (iv) the capital needs of the homes; and (v) the status of the United States

165 Department of Veterans Affairs' accreditation, including the efforts necessary to maintain
166 compliance and the efforts necessary to become fully compliant with the United States
167 Department of Veterans Affairs' standards at each soldiers' home. The report shall also include
168 an analysis of activities of the office, including a summary of activities undertaken to implement
169 uniform intake policies and procedures, patient and resident eligibility requirements and rate-
170 setting functions between the Soldiers' Home in Massachusetts and the Soldiers' Home in
171 Holyoke. The office shall submit the report to the governor and to the clerks of the house of
172 representatives and senate and the clerks shall forward the report to the joint committee on
173 veterans and federal affairs, the joint committee on public health and the joint committee on
174 housing.

175 SECTION 17. The third paragraph of section 32 of chapter 121B of the General Laws, as
176 appearing in the 2014 Official Edition, is hereby amended by adding the following sentence:-
177 Notwithstanding any general or special law to the contrary, in communities where no low-
178 income family housing was developed pursuant to chapter 200 of the acts of 1948, preference in
179 admission shall be given to veterans for all scattered site housing units acquired by a local
180 housing authority pursuant to chapter 705 of the acts of 1966.

181 SECTION 18. The fifth paragraph of said section 32 of said chapter 121B, as so
182 appearing, is hereby amended by striking out the second sentence and inserting in place thereof
183 the following sentence:- In determining the net income for the purpose of computing the rent of a
184 disabled veteran who is not able to work, a housing authority shall exclude amounts of disability
185 compensation paid by the United States government for disability occurring in connection with
186 military service in excess of \$1800; provided, however, that such exclusion shall apply only to
187 state-aided projects as provided in sections 35 and 36.

SECTION 19. Section 39 of said chapter 121B, as so appearing, is hereby amended by striking out the sixth paragraph and inserting in place thereof the following paragraph:-

Among persons who are eligible and qualified for housing pursuant to this section, a preference shall be given to veterans.

SECTION 20. Section 40 of said chapter 121B, as so appearing, is hereby amended by striking out paragraph (d) and inserting in place thereof the following paragraph:-

(d) In all housing for elderly persons of low income and handicapped persons of low income there shall be a preference in admission for eligible and qualified applicants who are veterans.

SECTION 21. Section 52A ½ of chapter 149 of the General Laws, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Any employee who is a veteran as defined in clause Forty-third of section 7 of chapter 4, or is a member of a department of war veterans listed in section 17 of chapter 8, and who desires to participate in a Veterans Day or Memorial Day exercise, parade or service shall be allowed and granted a leave of absence, with or without pay at the discretion of their employer, of sufficient time to participate in such services in their community of residence. However, employers with 50 or more employees shall grant said leave of absence on Veterans Day with pay provided said employee provides reasonable notice for such leave.

SECTION 22. Section 4 of chapter 151B of the General Laws, as so appearing, is hereby amended by striking out, in lines 5 and 6, and 74, the words “or ancestry” and inserting in place thereof, in each instance, the following words:- ancestry or status as a veteran.

SECTION 23. Said section 4 of said chapter 151B, as so appearing, is hereby further amended by striking out, in line 89, the words “or ancestry” and inserting in place thereof the following words:- , ancestry or status as a veteran.

SECTION 24. Said section 4 of said chapter 151B, as so appearing, is hereby further amended by inserting after the word ,“ancestry”, in line 93, the following words:- , status as a veteran.

SECTION 25. Section 17 of chapter 260 of the acts of 2006 is hereby repealed.

SECTION 26. Chapter 62 of the acts of 2014 is hereby amended by striking out section 29 and inserting in place thereof the following section:-

Section 29. (a) There shall be a Massachusetts post-deployment commission to make recommendations regarding the implementation of a program to support servicemembers transitioning to civilian life after deployment. The department of veterans’ services shall convene the commission.

(b) The commission shall consist of the secretary of health and human services or a designee from the executive staff of the executive office of health and human services, the secretary of veterans’ services or a designee, who shall serve as chair, 3 members of the senate, of whom 1 shall be a member of the joint committee on veterans and federal affairs, 1 shall be a member of the joint committee on mental health and substance abuse and 1 shall be appointed by

228 the minority leader of the senate, 3 members of the house of representatives, of whom 1 shall be
229 a member of the joint committee on veterans and federal affairs, 1 shall be a member of the joint
230 committee on mental health and substance abuse and 1 shall be appointed by the minority leader
231 of the house of representatives, the adjutant general of the national guard or a designee, the
232 commissioner of the Massachusetts rehabilitation commission or a designee, the undersecretary
233 of housing and community development or a designee, the secretary of labor and workforce
234 development or a designee, the secretary of education or a designee, the president of Brave for
235 Veterans, Inc., the executive director of Quabbin Mediation, Inc., the president of Soldier On,
236 Inc. or a designee and 15 persons to be appointed by the governor, of whom 2 shall be members
237 of the Home Base Program established by the Red Sox Foundation and Massachusetts General
238 Hospital, 2 shall be veterans' agents as defined in section 1 of chapter 115 of the General Laws,
239 2 shall be members of the Massachusetts Coalition for Suicide Prevention, 2 shall be members of
240 The Massachusetts Psychological Association Inc., 1 shall be a member of the board of directors
241 of the Massachusetts Association of Realtors and 5 shall be persons chosen from a list of
242 nominees submitted by each of the following organizations: the Massachusetts Coalition for
243 Suicide Prevention, The Massachusetts Psychological Association Inc., Massachusetts
244 Psychiatric Society, Inc., Massachusetts Association for Mental Health, Inc., Association for
245 Behavioral Healthcare, Inc., Massachusetts Veterans' Service Officers Association,
246 Massachusetts Women Veterans' Network, The Red Sox Foundation, Inc. and Massachusetts
247 General Hospital Home Base Program, the Massachusetts Military Heroes Fund, Inc., the United
248 States Department of Veterans Affairs, The Massachusetts Hospital Association, Inc., the
249 Military Friends Foundation and The Massachusetts League of Community Health Centers, Inc.;

provided, however, that 2 such members shall be veterans of Operation New Dawn, Operation Enduring Freedom or Operation Iraqi Freedom.

(c) The commission shall perform, and make recommendations pertaining to how best to operationalize and quantify, the following duties which may include, but shall not be limited to:

- (i) examining and evaluating the effectiveness of veterans' suicide prevention policies; (ii) examining and evaluating the effectiveness of resilience training for veterans' personnel; (iii) developing recommendations on ways in which veterans' support service needs may be promptly assessed upon return from deployment; (iv) developing recommendations for methods by which the commonwealth may identify, evaluate and refer servicemembers returning to civilian life post-deployment for assistance with education, employment, healthcare, housing and other services; (v) providing recommendations for improving communication between mental health support services and veterans who may benefit from such services; (vi) developing recommendations for providing mental health counseling services to treat post-traumatic stress injuries for post-deployment veterans; and (vii) providing recommendations on improving health access assistance, including analyzing: (1) barriers prohibiting veterans from receiving coverage upon their residency in the commonwealth; (2) tools to educate active duty members who intend to reside in the commonwealth on their ability to acquire health care coverage in the commonwealth; (3) the resources available to military members to help afford coverage upon discharge; (4) the fluctuating income of servicemembers upon discharge; (5) the number of veterans who are discharged and, upon residency in the commonwealth, are without health care coverage; provided, however, that the council may form a subcommittee to implement this clause; and (6) the needs of women veterans relative to issues including, but not limited to, compensation, rehabilitation, outreach, health care, education and other issues facing women

273 veterans in the community. The commission may hold public hearings to assist in the collection
274 and evaluation of data and testimony.

275 (d) Appointments to the commission shall be made on or before October 1, 2016 and the
276 commission shall hold its first meeting on or before November 1, 2016. The members of the
277 commission shall elect a vice chair at the first meeting.

278 (e) The commission shall submit its findings and recommendations, including a detailed
279 reentry program plan relative to service members who return to civilian life after deployment,
280 together with drafts of legislation necessary to carry those recommendations into effect, by filing
281 the same with the clerks of the senate and house of representatives, the house and senate
282 committees on ways and means, the joint committee on veterans and federal affairs and the joint
283 committee on mental health and substance abuse on or before September 17, 2017.

284 SECTION 27. Subsection (b) of section 32 of said chapter 62 is hereby amended by
285 striking out the figure “16” and inserting in place thereof the following figure:- 17.

286 SECTION 28. Said subsection (b) of said section 32 of said chapter 62 is hereby further
287 amended by inserting after the words “2 members from the governor’s advisory on women
288 veterans” the following words:- ; the president of Soldier On, Inc. or a designee.

289 SECTION 29. Subsection (d) of said section 32 of said chapter 62 is hereby amended by
290 striking out the words “April 30, 2015” and inserting in place thereof the following words:-
291 January 30, 2018.

292 SECTION 30. The department of corrections and the executive office of health and
293 human services shall study the feasibility and costs associated with transporting incarcerated

294 disabled veterans that are eligible for treatment through the United States Department of
295 Veterans Affairs to medical facilities operated by said United States Department of Veterans
296 Affairs.

297 SECTION 31. The department of veterans' services, in conjunction with the department
298 of revenue, shall study the feasibility and analyze the merits of implementing a sliding scale
299 property tax abatement for veterans and spouses, currently implemented under clause Twenty-
300 second of section 5 of chapter 59, based upon a percentage of disability as defined by the United
301 States Department of Veterans Affairs. The study shall include, but not be limited to: (i) the
302 methodology of granting such exemption in other states; (ii) the utilization of a sliding scale
303 based on the percentage of disability of the veteran for the awarding of such exemption to
304 veterans and spouses; (iii) the impact on disabled veterans; and (iv) any anticipated monetary
305 cost to the commonwealth or to municipalities that the exemption may cause. The department of
306 veterans' services, in conjunction with the department of revenue, shall submit its findings and
307 legislative recommendations to the clerks of the house of representatives and the senate, the
308 house and senate committees on ways and means, and the joint committee on veterans and
309 federal affairs on or before March 15, 2017.

310 SECTION 32. The office of veterans' homes and housing, in consultation with the
311 department of revenue, shall study the feasibility of offering a tax rebate to a landlord who leases
312 a dwelling unit to a veteran, as defined in section 7 of chapter 4 of the General Laws, or a
313 dependent of a veteran who receives veterans' benefits pursuant to chapter 115 of the General
314 Laws at a rate below fair market value. The office shall submit its findings and legislative
315 recommendations to the clerks of the house of representatives and senate, the house and senate

316 committees on ways and means and the joint committee on veterans and federal affairs on or
317 before March 15, 2017.