

HOUSE No. 4525

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, May 23, 2018.

The committee on Ways and Means, to whom was referred the Senate Bill relative to veterans' benefits, rights, appreciation, validation and enforcement (Senate, No. 2509), reports recommending that the same ought to pass with an amendment striking all after the enacting clause and inserting in place thereof the text contained in House document numbered 4525.

For the committee,

JEFFREY SÁNCHEZ.

HOUSE No. 4525

Text of an amendment, recommended by the committee on Ways and Means, to the Senate Bill relative to veterans' benefits, rights, appreciation, validation and enforcement (Senate, No. 2509). May 23, 2018.

The Commonwealth of Massachusetts

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

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

1 SECTION 1. Chapter 2 of the General Laws, as appearing in the 2016 Official Edition, is
2 hereby amended by adding the following section:—

3 Section 64. The Fort Devens Museum in the town of Devens shall be the official veterans
4 and military museum of the commonwealth.

5 SECTION 2. Section 59 of chapter 33 of the General Laws, as so appearing, is hereby
6 amended by striking out, in lines 6 and 7, the words “34 days in any state fiscal year and not
7 exceeding 17” and inserting in place thereof the following figure:— 40.

8 SECTION 3. Subsection (a) of said section 59 of said chapter 33, as so appearing, is
9 hereby amended by adding the following sentence:— For the purposes of this subsection, “day”
10 shall mean any 24-hour period regardless of calendar day.

11 SECTION 4. Said section 59 of said chapter 33, as so appearing, is hereby further
12 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 5. Chapter 33 of the General Laws is hereby amended by adding the following section:-

Section 140. (a)(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.

(b) "Active service in the armed forces", as used in this section 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 words "armed forces" shall have the following meaning:-

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.

(c) In the case of the decease of any person who 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; but if there is more than one heir-at-law, payments shall, in either case, be made in such proportions as the state treasurer shall determine, and in determining the order of precedence, so far as practicable, the following order shall be observed:- spouse and children, mother or father, brother or sister, other dependents. No right or payment under this section shall 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 (a).

(e) Applications under this section shall be filed with the state treasurer, upon forms to be furnished by him. 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 the provisions of 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 he may accept such other evidence of domicile as he may consider adequate or necessary. The clerks of the several cities and towns shall, at the request of the state treasurer, forthwith furnish such information relative to such domicile as their records may disclose. The state treasurer may require and accept such additional evidence as he may consider necessary to establish the fact of domicile within the commonwealth as provided under section 1. The adjutant general shall certify to the state treasurer the dates of service and any other military information necessary to carry out the provisions of this section. The state treasurer shall furnish to the adjutant general a copy of Form DD-214 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, or by imprisonment for not more than 3 years, or both. Offenses under this section may be prosecuted by the attorney general, or under his 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. Any person aggrieved by a decision of the state treasurer in the matter of payments provided for by this section may appeal to a board, to consist of a member of the department of the state treasurer to be designated by him, an assistant attorney general to be designated by the

attorney general, and the adjutant general or his designee, and shall be entitled to a hearing, after due notice, upon such appeal. The decision of the board shall be final.

SECTION 6. Chapter 40 of the General Laws, as so appearing, is hereby amended by inserting after section 22A¹/₂ the following section:-

Section 22A³/₄. (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 7. Section 5 of chapter 59 of the General Laws, as so appearing, is hereby 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 8. 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 9. Subsection (a) of section 9 of chapter 111C of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

The department shall establish regulations to identify the education and training requirements for veterans and military medics of the United States Armed Forces that are substantially equivalent to the education and training requirements for emergency medical care in the commonwealth. The department shall waive any education or training requirement for certification as an emergency medical technician for a veteran or military medic who has completed substantially equivalent education or training in the United States Armed Forces as identified by the department; provided, however, that the applicant shall submit sufficient proof of completion of the substantially equivalent education or training to the department. Upon a determination that the applicant's education or training is substantially equivalent, the department shall issue a verification of education or training equivalency to the applicant to certify that the applicant has satisfied the education and training requirement.

SECTION 10. Section 8 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:-
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 11. 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 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 ensure continuity of care. The office shall submit a report on the study to the clerks of the house and the senate, the chairs of the joint committee on veterans and federal affairs, the chairs of the joint committee on health care financing and the house and senate committees on ways and means not later than March 1, 2019.

SECTION 12. Section 16 of chapter 130 of the Acts of 2005 is hereby repealed.

SECTION 13. Section 4 of chapter 167 of the Acts of 2005 is hereby repealed.

SECTION 14. Section 86 of chapter 47 of the Acts of 2017 is hereby repealed.