

SENATE No. 2326

The Commonwealth of Massachusetts

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

SENATE, Friday, March 9, 2018

The committee on Veterans and Federal Affairs, to whom was referred the petitions (accompanied by bill, Senate, No. 2026) of Michael F. Rush, Mayor Martin J. Walsh, Chynah Tyler, Edward F. Copping and other members of the General Court for legislation to update veterans' burial expenses; (accompanied by bill, Senate, No. 2027) of Michael F. Rush, William M. Straus, Paul McMurtry, Richard J. Ross and other members of the General Court for legislation to protect veterans' military medical and service records; (accompanied by bill, Senate, No. 2029) of Michael F. Rush, John C. Velis, Paul R. Heroux, Kate Hogan and other members of the General Court for legislation relative to paid military leave; (accompanied by bill, Senate, No. 2030) of Michael F. Rush, Jerald A. Parisella, Donald F. Humason, Jr., Sal N. DiDomenico and other members of the General Court for legislation to protect medically needy veterans; (accompanied by bill, House, No. 1212) of Elizabeth A. Poirier and others relative to emergency medical technician certification of veterans and military medics; (accompanied by bill, House, No. 1921) of James Arciero and others for legislation to exempt Gold Star annuity payments issued by the Commonwealth from being declared as income; (accompanied by bill, House, No. 1941) of Todd M. Smola and Elizabeth A. Poirier relative to emergency medical transportation provided to veterans; (accompanied by bill, House, No. 1942) of Thomas M. Stanley and others relative to the payment of certain burial expenses for veterans; (accompanied by bill, House, No. 1943) of Chynah Tyler and others relative to burial expenses for veterans; and (accompanied by bill, House, No. 2765) of Diana DiZoglio and others relative to emergency medical services for veterans,- reports the accompanying bill (Senate, No. 2326).

For the committee,
Michael F. Rush

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.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide benefits to certain veterans and servicemembers, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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 2 of the General Laws is hereby amended by adding the following
2 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. The third paragraph of section 26 of chapter 31 of the General Laws, as
6 appearing in the 2016 Official Edition, is hereby amended by striking out the last sentence and
7 inserting in place thereof the following 2 sentences:- Notwithstanding the administrator's right
8 to require a physician's certificate in the case of a disabled veteran, an appointing authority shall
9 not require, request or accept an individual's military medical record or military service record
10 for the purpose of employment. An appointing authority shall not impose a term or condition on

11 an individual as a condition of obtaining or retaining employment if compliance with the term or
12 condition would require the individual to present the individual's military medical record or
13 military service record.

14 SECTION 3. Section 59 of chapter 33 of the General Laws, as so appearing, is hereby
15 amended by striking out, in lines 6 and 7, the words "34 days in any state fiscal year and not
16 exceeding 17 days in any federal fiscal year" and inserting in place thereof the following words:-
17 40 days in any federal fiscal year.

18 SECTION 4. Subsection (a) of said section 59 said chapter 33, as so appearing, is hereby
19 amended by adding the following sentence:- For the purposes of this subsection, "day" shall
20 mean any 24-hour period regardless of calendar day.

21 SECTION 5. Said section 59 of said chapter 33, as so appearing, is hereby further
22 amended by adding the following subsection:-

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

26 SECTION 6. Chapter 40 of the General Laws is hereby amended by inserting after
27 section 22A $\frac{1}{2}$ the following section:-

28 Section 22 $\frac{3}{4}$. (a) Each municipality shall designate a parking space at the city or town
29 hall for the parking of a motor vehicle that is owned and operated by a veteran and that displays
30 a veteran registration plate issued pursuant to section 2 of chapter 90. The parking space shall be
31 available during the normal business hours of the city or town hall for use by such veteran

32 without charge. The municipality shall erect and maintain a sign designating such parking space
33 which shall bear the words “Veteran Parking Only – this space is reserved for those who have
34 served. Unauthorized Vehicles May Be Removed At The Vehicle Owner's Expense”.

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

38 SECTION 7. Section 5 of chapter 59 of the General Laws, as appearing in the 2016
39 Official Edition, is hereby amended by striking out, in lines 595, 651, 676, 725, 770 and 841, the
40 word “five” and inserting in place thereof, in each instance, the following figure:- 2.

41 SECTION 8. Said section 5 of said chapter 69, as so appearing, is hereby further
42 amended by striking out, in lines 817 and 881, the figure “5” and inserting in place thereof, in
43 each instance, the following figure:- 2.

44 SECTION 9. Subsection (a) of section 9 of chapter 111C of the General Laws, as so
45 appearing, is hereby amended by adding the following paragraph:-

46 The department shall establish regulations to identify the education and training
47 requirements for veterans and military medics of the United States Armed Forces that are
48 substantially equivalent to the education and training requirements for emergency medical care
49 in the commonwealth. The department shall waive any education or training requirement for
50 certification as an emergency medical technician for a veteran or military medic who has
51 completed substantially equivalent education or training in the United States Armed Forces as
52 identified by the department; provided, however, that the applicant shall submit sufficient proof
53 of completion of the substantially equivalent education or training to the department. Upon a

54 determination that the applicant's education or training is substantially equivalent, the
55 department shall issue a verification of education or training equivalency to the applicant to
56 certify that the applicant has satisfied the education and training requirement.

57 SECTION 10. Section 6B of chapter 115 of the General Laws, as so appearing, is hereby
58 amended by adding the following paragraph:-

59 Notwithstanding any general or special law to the contrary, an annuity payment made to a
60 recipient pursuant to this section shall not constitute "income" in an application or formula
61 utilized by the commonwealth or a subdivision of it to determine eligibility for a program or
62 service funded or provided by the commonwealth.

63 SECTION 11. Section 8 of said chapter 115, as so appearing, is hereby amended by
64 striking out the first sentence and inserting in place thereof the following sentence:- If a
65 deceased person's estate under this chapter has insufficient resources to pay for the cost of the
66 funeral and burial of a deceased covered by this chapter, the burial agent under section 7 shall
67 expend not more than \$4,000 for such funeral and burial; provided, however, that the cost of
68 such funeral and burial shall not be more than \$5,000.

69 SECTION 12. The first paragraph of section 25 of chapter 118E of the General Laws, as
70 so appearing, is hereby amended by inserting after clause (4) the following clause:-

71 (4½) the entire amount of a monthly payment to a veteran from the United States
72 Department of Veterans Affairs, including the pension paid to a veteran or to a widowed spouse
73 of a veteran, if any portion of the monthly benefit paid to the veteran or widowed spouse as a
74 result of unreimbursed medical expenses consists of aid and attendance or housebound benefits;
75 and.

76 SECTION 13. Section 16 of chapter 130 of the acts of 2005 is hereby amended by
77 striking out subsection (d), as appearing in section 4 of chapter 167 of the acts of 2005, and
78 inserting in place the following subsection:-

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

82 SECTION 14. The executive office of health and human services, in conjunction with
83 the department of veterans' services, shall conduct a study on the transportation of veterans in
84 emergency medical situations to facilities that are not facilities of the United States Department
85 of Veterans Affairs. For the purposes of this section, "veteran" shall have the same meaning as
86 ascribed to it in clause Forty-third of section 7 of chapter 4 of the General Laws.

87 In conducting the study, the office shall consult with the United States Department of
88 Veterans Affairs to identify the reimbursement guidelines for ambulance services for
89 transportation to facilities that are not facilities of the United States Department of Veterans
90 Affairs in emergency medical situations and to identify any gaps in reimbursement payments
91 where the commonwealth may be eligible for payments to health care facilities or for ambulance
92 services. The executive office of health and human services, in conjunction with the department
93 of veterans' services shall prepare a report which shall outline the associated costs and the
94 reimbursements that are available to veterans when so transported. The report shall also identify
95 potential notification procedures by medical facilities that may advise veterans of the process of
96 seeking any state or federal medical reimbursements. The office shall submit its final report to

97 the joint committee on veterans and federal affairs, the joint committee on health care financing
98 and the house and senate committees on ways and means not later than March 1, 2019.