

**HOUSE . . . . . No. 3674**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Michael J. Finn***

*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 adoption of the accompanying bill:

An Act to provide Massachusetts National Guardsman or Woman Emergency Services.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Michael J. Finn</i>	<i>6th Hampden</i>	<i>1/17/2019</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>	<i>1/24/2019</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>	<i>1/25/2019</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>	<i>1/28/2019</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>	<i>1/30/2019</i>
<i>Stephan Hay</i>	<i>3rd Worcester</i>	<i>1/31/2019</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>2/1/2019</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>	<i>3/25/2019</i>
<i>John Barrett, III</i>	<i>1st Berkshire</i>	<i>3/21/2019</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>	<i>3/21/2019</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>	<i>3/25/2019</i>
<i>Carlos González</i>	<i>10th Hampden</i>	<i>3/21/2019</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>3/23/2019</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>	<i>3/22/2019</i>
<i>Patrick Joseph Kearney</i>	<i>4th Plymouth</i>	<i>3/23/2019</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>3/25/2019</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>	<i>3/22/2019</i>
<i>Todd M. Smola</i>	<i>1st Hampden</i>	<i>3/21/2019</i>

**HOUSE . . . . . No. 3674**

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By Mr. Finn of West Springfield, a petition (accompanied by bill, House, No. 3674) of Michael J. Finn and others relative to emergency services for members of the Massachusetts National Guard. Veterans and Federal Affairs.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
\_\_\_\_\_

An Act to provide Massachusetts National Guardsman or Woman Emergency Services.

*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. Section 5 of chapter 115 of the General Laws, as appearing in the 2016  
2 Official Edition, is hereby amended by striking out the first paragraph and inserting in place  
3 thereof the following paragraph:-

4 Veterans' benefits shall be paid to a veteran, a dependent of a veteran or an active  
5 member of the Massachusetts National Guard by the city or town wherein the individual resides;  
6 provided, that no benefits shall be paid to a veteran unless he has actually resided within the  
7 commonwealth for 1 day preceding the date of his application for such benefits, nor to any  
8 dependent of a veteran unless he has actually resided within the commonwealth continuously for  
9 3 years next preceding the date of his application for such benefits, nor unless the veteran of  
10 whom he or she is a dependent has actually resided within the commonwealth continuously for 3  
11 years next preceding the date of such dependent's application for such benefits. If an active  
12 member of the Massachusetts National Guard is actively residing in the commonwealth and

13 assigned to a unit that is stationed in the commonwealth, then authorization of such benefits shall  
14 be granted provided that the member is in good standing with the member's unit and submits  
15 proof of current status to the veterans' agent for the city or town in which the member resides. If  
16 the veteran is deceased at the time of the dependent's application for benefits, and the veteran  
17 died while a resident of the commonwealth, the commissioner may, notwithstanding the  
18 foregoing proviso, authorize such benefits to such dependent actually residing in the  
19 commonwealth at the time of the veteran's death; provided, however, any veteran who actually  
20 resided in the commonwealth at the time of his entry into or continuance in active military or  
21 naval service of the United States and the dependents of such veteran shall be eligible for  
22 benefits without any waiting period.

23 SECTION 2. The third paragraph of said section 5 of said chapter 115, as so appearing,  
24 is hereby amended by striking out the first sentence and inserting in place thereof the following 2  
25 sentences:-No benefits shall be paid pursuant to this chapter to or for any veteran who has been  
26 dishonorably discharged from any national soldiers' or sailors' home or from a soldiers' home in  
27 this commonwealth, or to or for his dependents, unless the commissioner shall otherwise  
28 determine. No benefits shall be paid pursuant to this chapter to or for any veteran, dependent of  
29 a veteran or active member of the Massachusetts National Guard convicted of a crime, if the  
30 veterans' agent and the commissioner shall so rule; and, unless the commissioner, at his or her  
31 discretion, shall otherwise determine, no benefits shall be paid to or for any veteran or active  
32 member of the Massachusetts National Guard who neglects to support his dependents nor to or  
33 for any dependents of such veteran, nor to or for any veteran, dependent of a veteran or active  
34 member of the Massachusetts National Guard if the necessity therefor is caused by that  
35 individual's voluntary idleness or continuous vicious habits nor to or for any dependents of such

36 veteran or applicant; but dependents of a deceased veteran shall not be deemed ineligible to  
37 receive such benefits by reason of any negligence of such veteran, when alive, to support them.

38 SECTION 3. Said section 5 of said chapter 115, as so appearing, is hereby further  
39 amended by striking out, in line 118, the words “veterans and dependents” and inserting in place  
40 thereof the following words:- veterans, dependents of veterans and active members of the  
41 Massachusetts National Guard.

42 SECTION 4. Said section 5 of said chapter 115, as so appearing, is hereby further  
43 amended by adding the following paragraph:-

44 Benefits provided to an active member of the Massachusetts National Guard pursuant to  
45 this section shall be for emergency services only, which the commissioner shall define in  
46 regulations, and shall terminate after a 90 day period. After the termination of benefits, such  
47 active member shall not be eligible to receive benefits under this section until 3 years have  
48 passed, unless sooner approved by the commissioner.