

SENATE No. 2489

The Commonwealth of Massachusetts

PRESENTED BY:

John J. Cronin

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 relative to modernizing Chapter 115.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>John J. Cronin</i>	<i>Worcester and Middlesex</i>	
<i>Michael P. Kushmerek</i>	<i>3rd Worcester</i>	<i>10/11/2023</i>

SENATE No. 2489

By Mr. Cronin, a petition (accompanied by bill, Senate, No. 2489) (subject to Joint Rule 12) of John J. Cronin and Michael P. Kushmerek for legislation relative to modernizing Chapter 115. Veterans and Federal Affairs.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

An Act relative to modernizing Chapter 115.

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 115 is hereby amended by striking out section 1, as amended by
2 section 28 and section 29 of chapter 144 of the acts of 2022, and inserting in place thereof the
3 following section:-

4 “Section 1. “Claimant”, any person who is a recipient of benefits under this chapter, files
5 an application for benefits under this chapter, communicates to a veterans’ agent their desire to
6 apply for benefits under this chapter, or expresses a need for financial or other assistance
7 available under this chapter to a veterans’ agent or to the Executive Office of Veterans’ Services.

8 “Dependent”, the surviving spouse, child, or parent of a veteran, as hereinafter defined,
9 including any person who stood in the relationship of a parent to such veteran for the five years
10 next preceding the commencement of their wartime service; provided, that no child of a veteran
11 who is more than eighteen years of age shall be deemed a dependent, unless such child is
12 attending school for the purpose of completing a regulation high school course or its equivalent,

13 or unless they are unable to support themselves due to a disability, and the disability existed
14 before they attained that age, or unless they are under twenty-three years of age, and a full-time
15 student at an educational institution which maintains a regular faculty and curriculum and has a
16 regularly organized body of students in attendance at the place where its educational activities
17 are carried on.

18 "Reside", to be present within a city or town of the commonwealth, notwithstanding the
19 lack of a present abode, with no present intention of definite and early removal, but not
20 necessarily with the intention of remaining permanently; provided, however, that any such
21 person who enters the commonwealth solely for the purpose of obtaining benefits under this
22 chapter shall not be considered to reside in the commonwealth; and, provided further, that a
23 claimant lacking a present abode shall be required to provide an affidavit stating their identity,
24 their last place of residence and their intention to establish an abode within the city or town in
25 which they apply.

26 "Institution", any hospital, sanatorium or wayfarer's lodge, boarding or rest home, or
27 convalescent or nursing home, for the operation of which a license is required by law, any
28 facility conducted by an agency incorporated under chapter one hundred and eighty or any
29 special act as a charitable corporation and any facility operated by municipal, county, state or
30 federal government.

31 "Secretary", the secretary of veterans' services.

32 "Veteran", any person who (a) is a veteran as defined in clause Forty-third of section
33 seven of chapter four; or (b) meets all the requirements of said clause Forty-third except that
34 instead of performing wartime service as so defined, they have served on active duty in the

Mexican border service, between June thirteenth, nineteen hundred and sixteen, and February third, nineteen hundred and seventeen; or (c) is entitled to the Civil War, Indian Campaign, Spanish Campaign, or Spanish War Service Medal; or (d) meets all the requirements of said clause Forty-third except that instead of performing ninety days active service, at least one day of which was for wartime service, they have performed active service in the armed forces of the United States at any time between April sixth, nineteen hundred and seventeen and November eleventh, nineteen hundred and eighteen, inclusive; or (e) meets all the requirements of said clause Forty-third, except that instead of performing wartime service as so defined, they are entitled to any of the following campaign badges: First Nicaraguan, Haitian, Dominican, Yangtze River, Second Yangtze River, Second Nicaraguan, Vera Cruz, Mexican Service; provided, that in any case the service of such person was credited to Massachusetts, or such person has resided in the commonwealth for 1 day.

“Veterans’ agent”, any person who is a 'veterans' benefits and services officer" defined under 3B of chapter 115

“Veterans’ benefits”, the benefits provided by this chapter. When used in any statute, ordinance, by-law, rule or regulation, the phrases "state aid", "military aid", "soldiers' relief", "soldiers' burial", or any words or phrases connoting the same, shall mean veterans' benefits.”

SECTION 2. Chapter 115 is hereby amended by striking out section 2, as amended by section 30 of chapter 144 of the acts of 2022, and inserting in place thereof the following section:-

“Section 2. The secretary shall be a veteran, as defined in clause Forty-third of section 7 of chapter 4 and shall assist and advise veterans' agents in the performance of their duties,

investigate, so far as the interests of the commonwealth require, all payments of veterans' benefits, prepare records and expedite the adjudication of claims, assist claimants in proving their cases, keep a record of work done in their office, and make an annual report.

The secretary shall establish the form of application to be used by claimants for veterans' benefits, may require the annexation thereto of official records of the veteran's induction, enlistment, service or discharge, or attested copies of the same, and shall from time to time provide each city and town with blank application forms prepared by them.

In establishing the form of application, the secretary shall provide that the department and veterans' agents must accept applications for veterans' benefits submitted through a common application portal for state-administered needs-based benefits and services and, upon receipt of such an application, shall treat the application as if it were filed directly with the veterans' agent. The secretary shall adopt such regulations as they may deem necessary to ensure the proper administration of the provisions of this chapter, and he may issue and promulgate directives for the guidance of all persons concerned with veterans' benefits or with matters before the Department of Veterans Affairs of the United States government or other divisions of the commonwealth. The secretary shall ensure the effective, comprehensive, and equitable provision of benefits under this Chapter, including affirmative outreach and public posting of information by the department and local veterans' agents to inform and advise residents of the availability of and the process for application for such benefits through local veterans' agents and the Executive Office of Veterans' Services.

The secretary shall decide all controversies between cities or towns relative to the residence of claimants for veterans' benefits and, subject to the approval of the attorney general,

the secretary's decisions shall be final. The secretary shall decide any controversies between any applicant and a veterans' agent or part-time veterans' agent relative to the validity or amount of a claim for such benefits. The secretary shall decide whether a person is a veteran as defined in section 1 of this chapter for purposes of receiving benefits under this chapter, and any other agency in the commonwealth may refer determinations of veteran status to the secretary for decision.

Any claimant aggrieved by a decision of a veterans' agent regarding veterans benefits or by the failure of a city or town to render adequate veterans' benefits or to take, approve, or deny an application for veterans' benefits within forty-five days of receiving such application or the claimant requesting to apply for benefits, or any person aggrieved by the termination of such benefits, shall have the right to appeal to the secretary. Appeals shall be filed with the secretary within ninety days of the claimant's receipt of a written adverse notice. A hearing on such appeal held pursuant to this paragraph shall be conducted as an adjudicatory proceeding under chapter 30A and shall be conducted at a location convenient to the claimant which may include telephonically or electronically. The secretary shall issue its decision on the appeal within ninety days after receipt of the appeal, except that when an aggrieved claimant appeals the denial of an application for benefits or the failure to take or act on said application or the failure of a city or town to render timely assistance to meet an emergency or hardship situation, the secretary shall render and issue its decision within forty-five days. Further review of such decision may be had by any party upon appeal to the division of administrative law appeals established within the executive office of administration and finance pursuant to section four H of chapter seven, hereinafter in this section referred to as "the division". Appeals to the division shall be filed within thirty days after receipt of the secretary's appeal decision. The division shall issue its

102 decision within ninety days after the day of the filing of the appeal, except that when an
103 aggrieved claimant appeals the denial of an application for veterans' benefits or the failure to take
104 or act on said application or the failure of a city or town to render timely assistance to meet an
105 emergency or hardship situation, the division shall render and issue its decision within forty-five
106 days after the date of filing of said appeal. Further review of such decision may be had by any
107 party upon application made to the governor and council within thirty days after their receipt of
108 notice of the decision. Whether or not an application for further review is made to the governor
109 and council, the decision of the division, or the decision of the governor and council, if an
110 application for further review is made, shall be subject to judicial review in accordance with the
111 provisions of chapter thirty A. The time for commencing such an action for judicial review shall
112 be sixty days which shall run from the receipt of notice of the decision of the division, or, in the
113 event that an application for further review is made to the governor and council, from the receipt
114 of notice of the decision of the governor and council. In such an action for judicial review, the
115 record shall consist of (a) the entire proceedings before the division of administrative law appeals
116 and, if applicable, the governor and council, or (b) such portions thereof as the secretary and the
117 parties may stipulate, or (c) a statement of the case agreed to by the secretary and the parties.

118 If a recipient of benefits files a timely appeal to the secretary contesting the termination
119 or reduction thereof, benefits shall be paid to the recipient without change until the secretary or
120 their designee issues a written decision, unless the recipient waives the right to benefits pending
121 appeal. If a city or town fails or refuses to pay benefits pending appeal, benefits shall be paid by
122 the commonwealth.

123 Upon the written request of the mayor of a city or the selectpersons of a town, they shall
124 forthwith investigate any matter relating to the administration therein of the provisions of this

chapter and the expenses of such an investigation shall be certified by them to the state treasurer who shall collect the same as an additional tax upon such city or town.

The secretary may, with the consent of the governor, appoint, as occasion may require, one or more disinterested persons who shall investigate any claims against the commonwealth for veterans' benefits, examine any persons to or for whom such benefits have been paid, investigate the reasons for and all matters relating to the granting of such benefits, and shall report their findings to the secretary. The reasonable expenses and compensation of any such disinterested person, if and when approved by the secretary and allowed by the governor and council, shall be paid by the commonwealth.

The secretary may authorize the payment by a veterans' agent of such sums as the secretary deem necessary to provide special care in a hospital or at any other place for a veteran of the civil war, their spouse or surviving spouse. On or before November tenth in the year following any expenditure so authorized, the city or town making the same shall be reimbursed by the commonwealth to the extent of seventy-five per cent of such expenditure.

The secretary shall be the agent and attorney of and for all departments, boards and commissions of the commonwealth, including the department of correction and the institutions under its control, in all matters before the United States Department of Veterans Affairs government involving any question of federal compensation or pension to which any veteran or dependent under the care or supervision of such departments, boards and commissions may be entitled, and involving any question of reimbursement of the commonwealth for assistance, care, board or hospitalization of any such veteran or dependent. Each such department, board and commission shall notify the secretary, in writing, of all such veterans or dependents who are

147 inmates of any hospital or other institution under the control of such department, board or
148 commission, or otherwise under the supervision of, or in receipt of direct financial assistance
149 from, such department, board or commission. Such notification shall be on forms to be prepared
150 by the secretary and shall contain such information as they may require to enable them to
151 proceed properly in matters of federal compensation or pension for such veterans or dependents,
152 and in matters of reimbursement of the commonwealth for assistance, care, board or
153 hospitalization of such veterans or dependents.

154 The secretary shall investigate the probabilities of securing such compensation or pension
155 for any such veteran or dependent, and, in furtherance of such investigation, may require the
156 services of the veterans' agents of the various cities and towns and of the directors of veterans'
157 services of the various cities, towns and districts, and shall prosecute claims for such
158 compensation or pension in behalf of any such veteran or dependent from whom they may secure
159 a power of attorney, in accordance with the regulations of the United States Department of
160 Veterans Affairs government. The secretary may co-operate with any responsible veterans'
161 service agency in the prosecution of such claims in behalf of any such veteran or dependent from
162 whom such agency has secured such power of attorney, and shall prosecute claims for
163 reimbursement of the commonwealth for assistance, care, board or hospitalization of any such
164 veteran or dependent in cases wherein the federal government is responsible for such
165 reimbursement.

166 The secretary may, by written notice, order a city or town to pay veterans' benefits to an
167 claimant on an application approved by the secretary. If a city or town refuses or does not make
168 such payment within fourteen days from receipt of such notice the secretary shall notify the state
169 treasurer of such refusal or failure and thereafter such benefits shall be paid to the claimant by

170 the commonwealth. If the commonwealth shall be called upon to pay any such benefits on behalf
171 of any such city or town, the total of any such benefits paid in any such calendar year shall be
172 assessed upon such city or town, or deducted from funds that may be due such city or town from
173 the commonwealth.

174 The secretary shall appoint an advisory committee on women veterans to investigate,
175 foster and promote the interests of women veterans as defined in section seven of chapter four.
176 The committee shall consist of at least eleven members, one of whom shall be the secretary or
177 their designee, one of whom shall be a person appointed by the governor as an advisor on
178 women's issues, one of whom shall be the chairman of the Massachusetts commission against
179 discrimination, or their designee, three of whom shall be members of veterans organizations as
180 provided in section eight E of chapter twelve to be appointed by the governor, one of whom shall
181 be a veterans agent to be appointed by the governor, and four of whom shall be women veterans
182 appointed by the secretary, no fewer than two of whom shall be participants in the Vietnam
183 Veterans Outreach Program of the United States Veterans Administration. Any member shall be
184 eligible for reappointment and shall serve without compensation. The terms of appointment shall
185 be coterminous with the governor. The advisory committee may issue annual reports on their
186 activities.

187 The secretary shall create and maintain a list of firms and organizations willing to provide
188 pro bono legal representation to veterans in the commonwealth. Such information shall be
189 updated annually and shall be distributed to veteran's agents and available online. Veterans'
190 agents shall distribute such information to all claimants with every notice denying, terminating,
191 or reducing benefits or any other adverse action.”

SECTION 3. Chapter 115 is hereby amended by striking out section 2A, as amended by section 31 of chapter 144 of the acts of 2022, and inserting in place thereof the following section:-

“Section 2A. If the secretary decides a controversy between a claimant and a veterans' agent relative to the validity or amount of a claim for veterans' benefits, as provided in section two, in favor of the claimant, the said veterans' agent shall, forthwith, make payment to the claimant in accordance with said decision notwithstanding any appeal therefrom by the veterans' agent. If the division sustains the appeal of said veterans' agent as to the validity of such claim, payment to the claimant shall thereupon cease and all amounts paid to the claimant shall be reimbursed by the commonwealth in the manner provided in section six. If the division sustains the appeal of said veterans' agent as to the amount of such claim, payment to the claimant of any amount in excess of the amount approved by the division shall thereupon cease and all amounts paid to the claimant in excess of the amount so approved shall be reimbursed by the commonwealth in the manner provided by said section six.

The decision of the secretary, in accordance with the provisions of said section two, may be enforced by the superior court on a petition in equity.”

SECTION 4. Chapter 115, as appearing in the 2020 Official Edition, is hereby amended by striking out section 2B and inserting in place thereof the following section:-

“Section 2B. There shall be a commission on veterans employment opportunities that shall investigate whether veterans are subjected to employment discrimination on the basis of their status as veterans. The commission shall report its findings and recommendation annually on March 1 to the secretary of veterans services. The commission shall consist of 5 persons as

follows: the secretary of veterans services or their designee, the secretary of economic development or their designee, a member appointed by the speaker of the house of representatives, a member appointed by the president of the senate and a veteran appointed by the Governor.”

SECTION 5. Chapter 115 is hereby amended by striking out section 2C, as amended by section 32 of chapter 144 of the acts of 2022, and inserting in place thereof the following section:-

“Section 2C. The secretary shall develop a comprehensive program to enhance employment opportunities and outcomes among veterans by assisting businesses to attract, hire, train and retain veterans. The program shall promote strategies for connecting employers to qualified veterans and shall include: (i) a workforce assessment and training program for participating employers; (ii) a certification and assessment process for participating employers to set measurable goals for hiring, training and retaining veterans; (iii) an annual workforce assessment report from the Disabled Veterans’ Outreach Program. The secretary shall engage with interested stakeholders and organizations that provide services to veterans in the development of the program.”

SECTION 6. Chapter 115 is hereby amended by striking out section 2D, as amended by section 17 of chapter 154 of the acts of 2022, and inserting in place thereof the following section:-

“Section 2D. (a)(1) To the extent practicable, the secretary shall make information on civilian licensure and certification opportunities available to members of the armed forces of the United States, members of the armed forces of the commonwealth and veterans. The information

shall be made available in a format that allows the member or veteran to evaluate the suitability of member's or veteran's military training and skills to the corresponding requirements of civilian licenses and certifications available in the commonwealth and shall include, but not be limited to, information on: (i) the civilian occupational equivalents of military or other occupational specialties based on the corresponding branch of the military; (ii) civilian license or certification requirements, including examination requirements; (iii) the availability and opportunities for use of educational benefits; (iv) corresponding training; and (v) continuing education opportunities that provide a pathway to licensure or certification.

(2) The information required under this section shall be made available by the secretary to members of the armed forces of the United States, members of the armed forces of the commonwealth and veterans in a manner consistent with the Transition Goals Plans Success program administered under the Transition Assistance Program pursuant to 10 U.S.C. 1144.

(b) The secretary shall, for purposes of providing educational assistance for licensure and certification to members of the armed forces of the United States, members of the armed forces of the commonwealth and veterans, and in compliance with national security and state and federal privacy requirements, compile information related to military training and skills, including, but not limited to: (i) course training curricula and syllabi; (ii) levels of military advancement; (iii) professional skill development; and (iv) specific civilian occupational equivalents of military or other occupational specialties. To implement this section, the secretary shall make such information available to the division of occupational licensure, the executive office of public safety and security, the department of public health, the executive office of labor and workforce development, the registry of motor vehicles and any other agency approved by the

commissioner. The secretary shall make the information publicly available on the department's website.”

SECTION 6. Chapter 115 is hereby amended by striking out section 3, as amended by section 33 of chapter 144 of the acts of 2022, and inserting in place thereof the following section:-

“Section 3. The mayor of each city, except Boston, shall and the board of selectpersons 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 selectpersons 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 claimants for veterans' benefits and shall submit the applications to the veterans' agent. Two or more contiguous towns may, by vote of the selectpersons, appoint one person to serve as veterans' agent for such towns and may apportion the payment of compensation among such towns.

Every veterans' agent shall, from time after the original allowance of any claim for veterans' benefits, make such investigations of the necessities and qualifications of the claimant as to prevent the payment of any such benefits contrary to any provision of this chapter.

Every such agent shall, within three days after their receipt of an application from or in behalf of a civil war veteran, or their surviving spouse, for special care, under the provisions of section two, notify the secretary thereof upon blank forms approved by them; upon their refusal or unreasonable neglect to give such notice, such agent shall be punished by a fine of twenty-five dollars.

280 Upon the request of any veteran, the veterans' agent for the city or town in which the
281 veteran resides shall record their discharge or release papers, without charge, in books kept by
282 them for that purpose. Said agent shall keep an index of papers so recorded, and copies thereof, if
283 attested by the veterans' agent, shall be admissible in evidence to the same extent and with the
284 same effect as the originals.

285 Every agent shall conduct affirmative outreach to residents of the respective city or town
286 for the purpose of informing residents of the availability of and the process for application for
287 benefits under this Chapter and to encourage the submission of applications by residents
288 potentially eligible for such benefits.”

289 SECTION 7. Chapter 115, as appearing in the 2020 Official Edition, is hereby amended
290 by striking out section 3A and inserting in place thereof the following section:-

291 “Section 3A. Whenever a veteran shall be required by general or special law to file or
292 exhibit a certificate of discharge from the armed forces of the United States, the filing or
293 exhibition of a photostatic or electronic copy of such discharge shall be deemed sufficient to
294 comply with the requirements of such law.”

295 SECTION 8. Chapter 115, as appearing in the 2020 Official Edition, is hereby amended
296 by striking out subsection (f) of section 3B and inserting in place thereof the following section:-

297 “(f) Veterans' benefits and services officers or agents are holders of information under
298 Chapter Sixty-six A and shall not disclose any information transmitted by and between a
299 claimant and a veterans' benefits and services officer or agent or the executive office of veterans
300 services, except as follows: (i) when the disclosure is made with the claimant's consent; (ii) the
301 disclosure is for the benefit of the claimant and reasonably necessary to assist the claimant; or

(iii) under a lawful order to make such disclosure. For the purposes of this subsection, information received by a veterans' benefits and services officer or agent which arises out of and in the course of providing assistance shall include, but not be limited to, communications, reports, records, working papers or memoranda. Any veterans' agent or their designee or employee of the executive office of veterans services who learns of the improper disclosure of confidential information concerning a claimant shall forthwith notify the secretary in writing."

SECTION 9. Chapter 115 is hereby amended by striking out section 4, as amended by section 34 of chapter 144 of the acts of 2022, and inserting in place thereof the following section:-

"Every application for veterans' benefits shall be in writing, signed by the claimant under the penalties of perjury, and shall contain a statement of the name, age and residence of the claimant and their relationship to the veteran upon whose service their application is based, such information as the secretary may require relative to the commencement, duration, extent and termination of such veteran's service, and such other representations, concerning the needs of the claimant and their reasons for applying for such benefits, as the secretary may require. Claimants shall have the opportunity to submit documents online. Every such application shall be filed with the veterans' agent for the city or town from which such benefits are sought, and such agent shall forthwith transmit the same to the secretary.

Veterans' agents shall accept applications for veterans' benefits submitted through a common application portal for state-administered needs-based benefits and services and, upon receipt of such an application, shall treat the application as if it were filed directly with the veterans' agent. The date of application for veterans benefits through the common application

portal shall be considered the date of application for purposes of payment of veterans' benefits under this chapter.

Veterans agents shall complete applications authorized by the department of public welfare for any veteran, surviving spouse, and dependent applying for veterans benefits or for medical assistance under chapter one hundred and eighteen E if agreed to by a claimant. The veterans agent shall file the application for the claimant if the claimant selects assistance under said chapter one hundred and eighteen E. The application shall be processed through the said department. Said claimant shall be duly advised of their entitlement to veterans benefits and other benefits from public assistance.”

SECTION 10. Chapter 115 is hereby amended by striking out section 5, as amended by section 35 and section 36 of chapter 144 of the acts of 2022, and inserting in place thereof the following section:-

“Section 5. Veterans' benefits shall be paid to a veteran or dependent by the city or town wherein he they resides; provided, that no benefits shall be paid to a claimant unless they have actually resided within the commonwealth for 1 day preceding the date of their application for such benefits.

Veterans' benefits shall not be subject to trustee process, and no assignment thereof shall be valid. Only such amount shall be paid to or for any veteran or dependent as may be necessary to afford them sufficient relief or support and such benefits shall not be paid to any person who is able to support themselves or who is in receipt of income from any source sufficient for their support. The claimant's receipt of income from any source in an amount insufficient for their support shall not bar them from receiving veterans' benefits to supplement the same, if

determined necessary by the secretary. No payment of benefits shall be made for any period of time prior to the date of application; provided, however, that the secretary, on recommendation of the veterans' agent of the city or town paying the benefits, may authorize the payment of benefits for not more than sixty days prior to the date of the application if the necessity therefor has been caused by serious accident or illness to the claimant or to one or more dependents of the veteran upon whose service the application is made. Claimants shall have the option to receive said payments by direct deposit with written authorization of said claimant to a financial institution of the claimant's choice.

No veteran who is or shall otherwise be entitled to veterans' benefits shall lose their right thereto by reason of their absence from the commonwealth while receiving hospital treatment at any hospital located outside the commonwealth, nor shall the right of their dependents thereto be lost while they are actually receiving such hospital treatment by reason of their absence from the commonwealth to accompany them.

No veteran or dependent shall be compelled to receive veterans' benefits without their consent. Benefits shall be paid in a manner consistent with the dignity and needs of the recipient, which may include payments by mail, direct deposit, or other electronic means approved by the secretary. The veterans' agent shall periodically inquire as to the manner in which a recipient wishes to receive benefits, and benefits may be paid in person only if the recipient so elects.

When a recipient receives benefits to which they are not entitled due to an intentional act or omission by the recipient, they may be charged an overpayment, however no overpayment shall be charged if the payment of excess benefits is due to an error by either the secretary or the veterans' agent or their designee. A recipient's overpayment shall not affect the eligibility for

368 benefits of another person who does not live in the same household. The veterans' agent shall
369 provide the recipient with written notice of the amount and origin of the overpayment and of the
370 right to request waiver or adjustment of the overpayment in accordance with a form and
371 procedures established by the secretary. Waivers shall be granted when collection of the
372 overpayment would defeat the purposes of this section or violate equity and good conscience.
373 There shall be a presumption in favor of waiving de minimis overpayments that do not exceed
374 the amount of one month of benefits the recipient would otherwise receive. When an
375 overpayment is created by the payment of benefits pending appeal to a recipient who timely
376 appeals a termination or reduction of benefits, the overpayment shall be limited to the amount
377 that had accrued prior to the filing of the appeal and for ninety days thereafter. The denial of a
378 waiver or adjustment shall be subject to the same notice and appeal procedures as a denial of
379 benefits, including the payment of benefits pending appeal. No otherwise eligible veteran or
380 dependent shall be wholly disqualified from the future receipt of benefits on the basis that the
381 veteran or dependent has been charged with an overpayment. When a veteran or dependent has
382 been charged with an overpayment, and a waiver or adjustment of the overpayment is not
383 applicable, the veteran or dependent may repay the overpayment by recovery from future
384 benefits, or by another method agreed upon by the veteran or dependent and the veterans' agent
385 and approved by the commissioner. Any recovery of an overpayment for a veteran or dependent
386 currently eligible for benefits shall be limited in amount in any month to the lesser of (1) the
387 amount of the individual's benefit payment for that month or (2) an amount equal to 10 percent
388 of the individual's total countable income for that month. No municipality may recover an
389 amount exceeding the unreimbursed portion of overpaid benefits the municipality actually paid
390 to a veteran or dependent.

391 The veterans' agent or the secretary may require a person to whom veterans' benefits are
392 granted to reimburse the city or town for veterans' benefits paid for the same months in which a
393 claimant is found to be eligible for benefits from the United States Department of Veterans
394 Affairs, the Social Security Administration, or another state or federal agency. In the event that
395 the necessity for the granting of veterans' benefits to any veteran or any dependent of a veteran is
396 caused by unemployment, accident or illness of or to such veteran or dependent and monetary
397 remuneration is provided therefor whether by workers' compensation, accident or health
398 insurance, or otherwise, or by legal responsibility of a tortfeasor liable for financial damages to
399 such veteran or dependent therefor, the veterans' agent or the secretary may require such veteran
400 or dependent to assign to the city or town a portion of the financial proceeds to be realized from
401 such workers' compensation, accident or health insurance, or otherwise, or any portion of the
402 financial damages to be recovered from such tortfeasor whether by settlement, arbitration, court
403 action, or otherwise. Such assignment shall operate as a lien on such financial proceeds or
404 financial damages to an amount equivalent to the total expenditures of veterans' benefits allowed
405 to such veteran or dependent by the city or town, and said lien may be enforced by petition to the
406 district court within the jurisdiction of which the city or town of payment is located. No city or
407 town shall collect amounts from a recipient in excess of the unreimbursed expenditures actually
408 made by the municipality.

409 Nothing in this chapter shall be deemed to prohibit the granting of veterans' benefits by a
410 city or town in excess of the amount authorized or approved by the secretary in any particular
411 case, or the paying of such benefits as may be necessary to meet the emergency needs of any
412 claimant prior to the date of the approval by the secretary of the payment of benefits under any

413 such application if the veterans' agent making such grant or payment forthwith furnishes the
414 secretary with a written statement of their reasons for taking such action.

415 All benefits available to dependents of veterans as provided by this chapter shall be
416 extended to the parent of any member of the armed forces of the United States whose death
417 occurred as the result of injury sustained or disease contracted during active service in time of
418 war or insurrection, including active service in the said armed forces under the flag of the United
419 Nations; provided, that such a parent qualifies in their own right as to the requirements of
420 residence notwithstanding the failure of the deceased veteran to so qualify at the time of their
421 death and notwithstanding lack of proof of the actual dependency of such a mother parent upon
422 such a veteran at the time of their death. Such benefits shall include payment of reasonable
423 medical and hospital expenses in accordance with regulations adopted by the secretary and
424 directives issued and promulgated by them; provided, that no back benefits shall be paid beyond
425 the date of application.

426 Effective July first of every year, subject to appropriation and at the direction of the
427 secretary, cities and towns shall increase the basic budget of each eligible recipient, before taking
428 into consideration any available income, by a percentage amount equal to the percentage rise in
429 the United States Consumer Price Index for January first of that year over the level of said index
430 for January first of the previous year plus such additional percentage amount as is recommended
431 annually by the secretary and appropriated by the general court. Such adjustments in accordance
432 with the percentage rise in the Consumer Price Index shall apply to any benefit payable under
433 this chapter or any offset thereof.

434 The benefits provided herein shall include an amount for fuel in the winter months for
435 eligible veterans and dependents if they pay their own heating costs.”

436 SECTION 11. Chapter 115 is hereby amended by striking out section 5A, as amended by
437 section 37 of chapter 144 of the acts of 2022, and inserting in place thereof the following
438 section:-

439 “Section 5A. In every case where the claimant for or a recipient of benefits under this
440 chapter is a dependent parent, as defined in section one, with an interest in one or more parcels of
441 real estate and the fair market value of such interest is more than fifteen hundred dollars, an
442 instrument signed and acknowledged by the veterans' agent of the town granting such benefits
443 and giving notice of a lien upon each such parcel for all benefits granted and to be granted under
444 this chapter by such town to such parent, who shall be named therein, shall, not earlier than three
445 days, Saturdays, Sundays and legal holidays excluded, after a like instrument has been sent by
446 certified mail to such parent, be recorded in the records of the county, or of the district, if such
447 county is divided into districts, where each parcel lies, without the payment of any fee for such
448 recording. Every such instrument shall contain a description sufficient to identify each parcel of
449 real estate subject to the lien, and upon recording shall create a lien upon so much of such
450 parent's interest as has a fair market value in excess of fifteen hundred dollars, which lien shall
451 be superior to any deed, mortgage, lien or other encumbrance thereafter recorded. Whenever
452 such lien is satisfied or is ordered discharged as hereinafter provided, an instrument signed and
453 acknowledged by such veterans' agent and reciting such fact shall be given; and upon the
454 recording of such instrument, such lien shall be dissolved.

Such lien shall be enforceable in the superior court for the county where any parcel of the real estate lies by a petition in equity brought by the veterans' agent against all persons appearing of record to be interested in the real estate subject to such lien, whether as equity owners, mortgagees, lienors, attaching creditors or otherwise. Such petition shall allege the amount claimed under such lien and incorporate a certified copy of the recorded instrument creating such lien. At any time before final decree, the court, of its own motion or upon the suggestion of any party, may issue a precept to any other person appearing to have an interest, directing them to appear on or before a specified day or be forever barred from redeeming from such lien. Proceeds realized through any such enforcement shall be apportioned between the commonwealth and the town granting the benefits in proportion to the amount of their respective contributions thereto, but in no case for more than the amount contributed, without interest. No lien under this section shall be enforceable until after the death of both parents, and then only when written permission has been obtained from the secretary, who, in their discretion, may, if undue hardship might be caused by enforcement, waive enforcement in whole or in part, and order a discharge to the extent waived. If the veterans' agent neglects or refuses promptly to refer the enforcement of a lien under this section to the secretary for their approval, or to bring a petition within the period specified by the secretary, the secretary shall thereupon bring the petition in their own name; and in such event, all proceeds shall be retained by the commonwealth.

A veterans' agent, subject to the prior approval of the secretary, may by an agreement in writing, consent to subordinate any such lien to a mortgage, if in the opinion of the secretary such mortgage is required for necessary repairs to the real estate subject to such lien.

Such lien shall be dissolved and be unenforceable upon the expiration of twenty years from the date of the recording in the register of deeds of the county wherein said real estate lies.

Any conveyance of real estate by a parent within two years before an application for veterans' benefits, unless for fair market value, shall be deemed to be in avoidance of the provisions of this section and shall make such mother or father ineligible to receive veterans' benefits.

The provisions of this section shall not be applicable if the claimant for or the recipient of veterans' benefits is the dependent parent of a person who while in the armed forces of the United States was killed in action or died from service-connected disability.”

SECTION 12. Chapter 115 is hereby amended by striking out section 6, as amended by section 38 of chapter 144 of the acts of 2022, and inserting in place thereof the following section:-

“Section 6. The amounts expended by any city or town for veterans' benefits, the names of recipients thereof, the amounts paid to or for each claimant, the reasons for granting them such benefits, the names of the veterans on account of whose service the benefits were granted, the names, if any, of the companies, regiments, stations, organizations or vessels in which they respectively enlisted, or to which they were appointed, and in which they last served, and the relationship of each dependent to the veteran on account of whose service the benefits were granted, and such other details as the secretary may require, shall, within thirty days following the month in which such expenditures were made, be certified to said secretary on blank forms provided by the secretary, in a manner approved by them, and under the penalties of perjury, by the veterans' agent and treasurer of such city or town. The secretary shall examine such

certificates, shall allow and endorse thereon such amounts as they find have been paid and reported in accordance with the provisions of this chapter, and shall transmit the certificates to the comptroller. The secretary may decide upon the necessity of the amount paid in each case, and may allow any part thereof which they deem proper and lawful. Subject to such decision and allowance, seventy-five per cent of the amounts of veterans' benefits paid to claimants by the cities and towns wherein they reside, but none of the expenses attending the payment of such benefits, shall be paid by the commonwealth to the several cities and towns on or before November tenth in the year after such expenditures. The commonwealth shall make payments to cities and towns equal to 100 per cent of the amount of benefits paid by cities and towns to or on behalf of recipients living in permanent housing located on real property owned by the federal government or living in institutions or transitional housing, as defined in 108 CMR 2.02, if such housing is located on real property owned by the federal government; provided, however, that such payments shall be made to the city or town in which the recipient resides only for 48 months of residence; provided further, that such payments shall not be made for a recipient who has resided elsewhere in the city or town for the 6 consecutive months immediately preceding the recipient's move into such housing.”

SECTION 13. Chapter 115, as appearing in the 2020 Official Edition, is hereby amended by striking out section 6A, and inserting in place thereof the following section:-

“Section 6A. To be eligible for an annuity under sections 6B and 6C, the claimant must be a resident of the commonwealth.”

SECTION 14. Chapter 115, as appearing in the 2020 Official Edition, is hereby amended by striking out section 6B, and inserting in place thereof the following section:-

521 “Section 6B. In addition to any other aid to which a person is entitled under this Chapter,
522 a person who, according to the records of the United States Department of Veterans Affairs has
523 suffered permanent impairment of vision of both eyes of the following status: central visual
524 acuity of 5/200 or less in the better eye, with corrective glasses, or central visual acuity of more
525 than 5/200 if there is a field defect in which the peripheral field has contracted to such an extent
526 that the widest diameter of visual field subtends an angular distance no greater than twenty
527 degrees in the better eye;; a person who is suffering from paraplegia and has permanent paralysis
528 of both legs and lower parts of the body, resulting from traumatic injury to the spinal cord or
529 brain, sustained through enemy action, or any service related incident while serving in any
530 branch of the armed forces of the United States; a person who has permanent paralysis of both
531 legs and lower parts of the body, resulting from malaria, anemia, other forms of disease, tumors
532 or poisoning which may produce signs and symptoms similar to those resulting from traumatic
533 paraplegia; who has lost both legs; or who is otherwise determined to be 100 per cent disabled or
534 eligible for Total Disability based on Individual Unemployability by the Department of Veterans
535 Affairs and who is certified by said Department of Veterans Affairs to be service-connected shall
536 be paid so long as such condition exists, the sum of \$2,000 annually in two equal payments on
537 August 1 and February 1. Such sum shall be adjusted annually in accordance with the percentage
538 rise in the Consumer Price Index. Such payments shall be due and payable from the date of his
539 application.

540 The parents and surviving spouse, provided that surviving spouse does not remarry, of a
541 deceased member of the armed forces of the United States, whose death occurred as a result of
542 injury sustained or disease contracted during active service in time of war or insurrection or
543 combat, shall be paid the sum of \$2,000 annually in two equal payments on August 1 and

544 February 1. Such payments shall be due and payable from the date of the parents' and surviving
545 spouse's application; provided, however, that the first payment shall be retroactive to the
546 applicant's initial date of eligibility if the deceased member or the parent or spouse making
547 application was a resident of the commonwealth at the time of death and the parent or spouse
548 making application is a resident of the commonwealth at the time of application. For the
549 purposes of calculating any retroactive payment of benefits under this section, the initial date of
550 eligibility shall be the later of: (i) the date of death of the member of the armed forces of the
551 United States; or (ii) July 1, 1998, in the case of parents and November 11, 2005, in the case of a
552 spouse.

553 Notwithstanding any general or special law to the contrary, an annuity payment made to a
554 recipient pursuant to this section shall not constitute income in an application or formula utilized
555 by the commonwealth or a political subdivision to determine eligibility for a program or service
556 funded or provided by the commonwealth. Notwithstanding the foregoing, such an annuity
557 payment may constitute income if not doing so would, under federal law, prohibit eligibility or
558 otherwise negatively impact the recipient's benefits under the program or service; provided,
559 however, that the commonwealth or a political subdivision thereof shall seek a waiver from any
560 federal law with such an eligibility requirement.”

561 SECTION 15. Chapter 115 is hereby amended by striking out section 6C, as amended by
562 section 39 of chapter 144 of the acts of 2022, and inserting in place thereof the following
563 section:-

564 “Section 6C. Evidence of the service and disability mentioned in sections six A and six B
565 shall be furnished to the secretary of veterans' services who shall examine the same and upon

being satisfied that the service was performed and the Department of Veterans Affairs certifies the claimant has been rendered blind, or permanently paralyzed, 100 percent service-connected disabled, or awarded Total Disability based on Individual Unemployability as defined in section six B shall so certify to the comptroller, whereupon said annuity shall be paid by the commonwealth, subject to appropriation, from the veterans' services fund.”

SECTION 16. Chapter 115 is hereby amended by striking out section 7, as amended by section 40 of chapter 144 of the acts of 2022, and inserting in place thereof the following section:-

“Section 7. In each city, except Boston, and in each town, the veterans' agent shall be the burial agent; and in Boston, the soldiers' relief commission shall designate a burial agent who shall be a veteran. They shall, under regulations established by the secretary, cause properly to be interred the body of any veteran or adult dependent who dies without sufficient means to defray funeral expenses, and the body of any dependent child of a veteran if such veteran and their spouse or surviving spouse, be without sufficient means to defray funeral expenses. If interment of any such body has taken place without the knowledge of the burial agent, application may be made to them within 60 days after the date of death, or after final interment, if the veteran dies in the service, and if upon investigation they shall find that the deceased was within the provisions of this section and the rules of the secretary, they may certify the same as provided in section eight. The provisions of this section shall not apply to any person who at the time of entering the federal service was a subject or citizen of a neutral country, who had filed their intention to become a citizen of the United States and who afterward withdrew such intention under the act of congress approved July ninth, nineteen hundred and eighteen, nor to any person designated upon their discharge as a conscientious objector. The provisions of this section shall also apply to

any person who served as a state guardsman in the military service of the commonwealth between April fifth, nineteen hundred and seventeen, and December twenty-first, nineteen hundred and nineteen, or served in the state guard established during World War II, and was honorably discharged from such service and dies without sufficient means to defray funeral expenses, but shall not apply to any adult dependent or dependent child of such person.”

SECTION 17. Chapter 115 is hereby amended by striking out section 9, as amended by section 42 of chapter 144 of the acts of 2022, and inserting in place thereof the following section:-

“Section 9. The mayor of every city and the selectpersons of every town shall appoint a resident of such city or town who shall be a veteran as defined in clause Forty-third of section seven of chapter four, as a veterans' graves officer, for a term to be determined by the appointing authority; provided, however, that said term shall not exceed five years. It shall be the duty of such veterans' graves officer to cause every veteran's grave within such city or town to be suitably kept and cared for. Such care shall include the clearing of weeds and other unseemly growth from said graves; the repairing, replacement and general up-keep of fences around said graves; the raising and repairing of sunken gravestones and markers and other similar services that may be necessary to restore and maintain such graves and their surroundings in an orderly condition. If the cost of such care and maintenance is not paid by private persons, or by the trustees of the cemeteries where any such grave is situated, it shall be paid by the city or town; and cities and towns may appropriate money therefor. Money so appropriated may be expended directly by the city or town or paid over to the trustees or manager of any cemetery where any such grave is situated; but the sum so paid over in any year shall not exceed for each grave the sum charged for the annual care and maintenance of like lots in the same cemetery, or, if no such

612 charge is made in that cemetery, it shall not exceed the sum charged in other cemeteries in the
613 same city or town for like services. In cities and towns where there are cemeteries containing the
614 remains of deceased veterans, such cities and towns shall cause to be placed on such veterans'
615 graves a flag of the United States on every Memorial day. Upon the approval of the secretary,
616 compensation for 75 per cent of the cost of such flags, but none of the expenses attending the
617 placement of such flags shall be paid by the commonwealth to the several cities and towns on or
618 before November 10 in the year after such expenditures. In cities and towns where there are
619 cemeteries with mausoleums containing the remains of deceased veterans, each such city or town
620 shall cause to be placed on each mausoleum a suitable plaque with the names of all deceased
621 veterans contained therein, and a flag of the United States shall be suitably placed at each
622 mausoleum on every Memorial day.”

623 SECTION 18. Chapter 115, as appearing in the 2020 Official Edition, is hereby amended
624 by striking out section 10, and inserting in place thereof the following section:-

625 “Section 10. The mayors of cities and the selectpersons of towns, other than cities and
626 towns which become part of a district as authorized by the second paragraph of this section, shall
627 cause to be established and maintained in their respective cities and towns a department for the
628 purpose of furnishing such information, advice and assistance to veterans and their dependents as
629 may be necessary to enable them to procure the benefits to which they are or may be entitled
630 relative to employment, vocational or other educational opportunities, hospitalization, medical
631 care, pensions, and other veterans' benefits. Each department so established and maintained shall
632 be known as the department of veterans' services, and the officer in charge thereof shall be
633 known as the director of veterans' services. Such director and any assistant or deputy director

appointed under this section or section eleven shall be a veteran and shall be appointed in a city by the mayor, with the approval of the city council, and in a town by the selectpersons.

Two or more adjoining towns, or two or more adjoining municipalities only one of which is a city, may, in a city by vote of the city council thereof, and in a town by vote of the selectpersons thereof, form a district for the purposes set forth in the first paragraph of this section, including the appointment and compensation of a director of veterans' services, for the enforcement therein of such purposes and of such other provisions of law as it may be their duty to enforce. Any constituent city or town by vote may withdraw from the district at the end of any fiscal year of such city or town if such withdrawal is voted in the manner aforesaid not less than sixty days prior to the end of such fiscal year and notice of such vote is filed with the other municipalities comprising the district.

The director of veterans' services of each district established under authority of the preceding paragraph shall, under the direction of the district board referred to in section eleven, perform the duties of their office in each of the municipalities comprising their district.

The treasurer of one of the municipalities comprising such district, designated by the district board thereof, shall be treasurer of the district and shall give to the district a bond, with a surety company authorized to transact business in the commonwealth as surety, for the faithful performance of their duties as treasurer of the district in such sum and upon such conditions as said district board may require. The district treasurer shall disburse the money received under the provisions of section eleven upon warrants approved by the district board.”

SECTION 19. Chapter 115, as appearing in the 2020 Official Edition, is hereby amended by striking out section 11, and inserting in place thereof the following section:-

656 “Section 11. In every district established under authority of section ten there shall be a
657 board composed of the mayor or their designee of such city, if any, as may be included in the
658 district and the chairman of the board of selectpersons or its designee of each of the towns, if
659 any, included in said district and the town manager or their designee in a municipality with a
660 town council form of government, if any, included in said district. Said board shall appoint, fix
661 the compensation of, and may remove the director of veterans services of said district. Said
662 board may appoint, fix the salary of, and remove, a deputy or assistant to such director, if in the
663 opinion of said board such an officer is necessary.

664 Said board may determine the expenses of said director and deputy or assistant and of the
665 department under the charge of said director, and may apportion said expenses among the several
666 municipalities comprising such district on the basis of the taxable valuation of said
667 municipalities as last established by the general court as a basis of apportionment for state and
668 county taxes, or on the basis of the population of each municipality in such district based on the
669 most recent federal census, or by any other means determined by a unanimous vote of said board
670 to be fair and equitable to each community. Said board shall promptly thereafter notify the
671 treasurers of said municipalities of such apportionment. Every city or town treasurer so notified
672 shall, annually in December, certify the amount of such apportionment to the board of assessors
673 of their municipality, who shall include such amount in the tax levy of the following year.

674 Upon order of the district board the city or town treasurer of each of the constituent
675 members of the district shall from time to time pay to the district treasurer a sum or sums not
676 exceeding, in the aggregate, the amount certified by the board as its respective share of the costs
677 and expenses of the district. In case a city or town becomes a member of a district at a time when
678 it is too late to permit an assessment as provided by sections ten to fourteen, inclusive, such city

or town may appropriate and pay to the district treasurer an amount representing its proportionate share of the expense of the district for the period ending December thirty-first in the year in which such city or town becomes a member of the district.”

SECTION 20. Chapter 115 is hereby amended by striking out section 12, as amended by section 43 of chapter 144 of the acts of 2022, and inserting in place thereof the following section:-

“Section 12. In each city, and in each town not included in a district established under section ten, and in each such district, there may be in the department of veterans' services an unpaid advisory board to be appointed, in cities by the mayor, in towns by the board of selectpersons, and in districts by the district board. Said advisory board shall render such assistance to the director of veterans' services of the municipality or district relative to the provisions of this chapter, except as to sections one to nine, inclusive, as said director may request. The secretary is hereby authorized and directed to formulate and publish rules and regulations establishing in a general manner the types of persons, with respect to their occupations, professions and special skills, who may be appointed to such unpaid advisory boards. Every such advisory board shall consist of not less than five nor more than fifteen residents of the city, town or district, as the case may be.”

SECTION 21. Chapter 115, as appearing in the 2020 Official Edition, is hereby amended by striking out section 13, and inserting in place thereof the following section:-

“Section 13. Said departments shall acquire and have on hand copies of current booklets and other printed matter pertaining to the statutory rights of veterans provided under state and federal laws. They may call at any time upon any department, board, division or commission of

the commonwealth for such assistance as may be necessary in carrying out their functions. They shall also work in close coordination with existing federal agencies established for the aid of such veterans, and they shall enlist the support of hospitals within their respective communities or districts for carrying out the purposes of sections ten to fourteen, inclusive.

Said departments shall coordinate with the department of transitional assistance to identify and contact all known veterans receiving public safety net benefits residing in Massachusetts who may be eligible for Chapter 115 benefits. They shall also publish online subregulatory guidance and application forms and make publicly available issue notices of action and public information that outlines budgeting and benefit calculations. They shall also accept applications for veterans' benefits submitted through a common application portal for state-administered needs-based benefits and services and, upon receipt of such an application, shall treat the application as if it were filed directly with the veterans' agent."

SECTION 22. Chapter 115, as appearing in the 2020 Official Edition, is hereby amended by striking out section 15, and inserting in place thereof the following section:-

"Section 15. The director of accounts in the department of corporations and taxation shall cause an audit to be made annually of the accounts of all districts organized under the authority of section ten and for such purpose they, and their duly accredited agents, shall have access to all necessary papers, books and records. The expenses incurred for said audits shall be paid primarily by the commonwealth. Said director shall apportion the cost of each audit among the several municipalities comprising the district on the basis of the taxable valuation of said municipalities as last established by the general court for state and county taxes, and submit the amounts of each apportionment to the state treasurer, who shall issue their warrant requiring the

assessors of the cities and towns which comprise the district to assess a tax to the amount so apportioned, and such amount shall be collected and paid to the state treasurer as provided by section twenty of chapter fifty-nine.”

SECTION 23. Chapter 115 is hereby amended by striking out section 16, as amended by section 53 of chapter 126 of the acts of 2022, and inserting in place thereof the following section:-

“Section 16. (a) There shall be a veterans equality review board to ensure persons who received a discharge that would otherwise disqualify them from receiving benefits under this Chapter under 10 U.S.C. 654, also known as the Don't Ask, Don't Tell policy, or any other policy, on the basis of sexual orientation, gender identity or gender expression, receive state-based veteran benefits. The board shall consist of: 3 members appointed by the secretary of veterans' services, 1 of whom shall represent the interests of the LGBTQ veteran community; and 2 members appointed by the governor. All members shall, by education or experience, be knowledgeable of veterans benefits and programs and have demonstrated interest in veteran affairs. A majority of the members shall be veterans. Members shall serve for 5 years. The members shall vote to select a chair. If a vacancy occurs, it shall be filled for the balance of the unexpired term in the same manner as the original appointment. A majority of the appointed and serving members of the board shall constitute a quorum of the board for the transaction of business. An action of the board shall be approved by a majority vote of the members present at a meeting where a quorum is present. The members of the board shall serve without compensation.

(b) The board shall meet as often as deemed necessary by the chair based on the number of applications pending before the board. The board shall review each application submitted under this section and render a recommendation to the secretary of veterans' services as to whether the claimant's sexual orientation, gender identity or gender expression was more likely than not the primary basis for the claimant receiving a discharge that would otherwise disqualify them from receiving benefits under this Chapter. The board shall complete review of each application not later than 30 days after receipt and render a written recommendation to the secretary not later than 30 days after completion of such review.

(c) A person or the dependent of such person who received a discharge that would otherwise disqualify them from receiving benefits under this Chapter and who believes such discharge characterization was based on the veteran's sexual orientation, gender identity or gender expression may file an application for state-based veteran benefits. The claimant may include evidence supporting the claimant's claim that such discharge characterization was based on the veteran's sexual orientation, gender identity or gender expression.

(d) The department of veterans' services shall create a standardized application form enumerating the required documentation necessary for filing an application under this section and shall make such form available on the department of veterans' services website along with filing instructions.

(e) The secretary shall issue a written decision not later than 10 days after receipt of the board's recommendation, approving or denying the application. If the secretary approves the application, the claimant shall be eligible for state-based veteran benefits. If the secretary denies

the application, the claimant may file a request for reconsideration, including additional documentation for the application, not later than 30 days after receipt of the secretary's decision.

(g) The department, board of registration in medicine and board of registration in pharmacy shall independently adopt regulations to implement this section.”

SECTION 24. Chapter 115 is hereby amended by striking out section 16, as amended by section 18 of chapter 154 of the acts of 2022, and inserting in place thereof the following section:-

Section 16. (a) The secretary, in consultation with the commissioner of public health and the adjutant general of the Massachusetts national guard, shall contact all members of the Massachusetts national guard and all known veterans and members of the United States armed forces residing in the commonwealth who may be eligible to participate in the United States Department of Veterans Affairs' Airborne Hazards and Open Burn Pit Registry, including, but not limited, those who may have served in: (i) Operation Enduring Freedom, Operation Iraqi Freedom or Operation New Dawn; (ii) Djibouti, Africa on or after September 11, 2001; (iii) Afghanistan on or after September 11, 2001; (iv) Operation Desert Shield or Operation Desert Storm; or (v) in the Southwest Asia theater of operations on or after August 2, 1990. Veterans or service members contacted shall be encouraged to join the United States Department of Veterans Affairs' Airborne Hazards and Open Burn Pit Registry and shall be provided with contact information for the United States Department of Veterans Affairs' Airborne Hazards and Open Burn Pit Registry and a copy of the informational pamphlet created by the commissioner of public health pursuant to subsection (b) of section 244 of chapter 111.

(b) The secretary shall create a database of self-identifying service members and veterans who have been exposed to open burn pits or other airborne hazards, which shall include the name, address, electronic address, phone number, location and period of service and other information as deemed necessary. Such information shall be used only for the purposes of communicating information about exposure to toxic airborne chemicals and fumes caused by open burn pits or other airborne hazards to service members and veterans. The database, materials or other information shall be confidential and privileged, shall not be subject to chapter 66, or clause Twenty-sixth of section 7 of chapter 4 and shall not be subject to subpoena, discovery or introduction into evidence in any private civil action.”

SECTION 25. Chapter 115A is hereby amended by striking out section 1, as amended by section 45 of chapter 144 of the acts of 2022, and inserting in place thereof the following section:-

“Section 1. Any person who (a) is a veteran as defined in clause Forty-third of section seven of chapter four, or (b) meets all the requirements of said clause Forty-third, except that instead of performing wartime service as so defined, has performed not less than ninety days' active service in any of the campaigns or expeditions enumerated in section two, shall be entitled to domiciliary services at, out-patient treatment at, admission to, and hospitalization in a state-operated veterans' home. A person receiving such services is a “resident” within the meaning of this chapter.”

SECTION 26. Chapter 115A is hereby amended by striking out section 3.

806 SECTION 27. Chapter 115A is hereby amended by striking out section 4, as amended by
807 section 46 through 48 of chapter 144 of the acts of 2022, and inserting in place thereof the
808 following section:-

809 “Section 4. Any person who was recruited in the United States and who served in the
810 military service of Poland while said country was allied with the United States in World War I,
811 between October seventh, nineteen hundred and seventeen, and January thirty-first, nineteen
812 hundred and nineteen, both dates inclusive, shall be entitled to out-patient treatment at,
813 admission to, and hospitalization in a state-operated veterans' home; provided, that they produce
814 information in conformity with the rules and regulations of the state-operated veterans' homes,
815 that they have been honorably discharged from said service, and are a citizen of the
816 commonwealth and resides in a city or town therein, or if not such a citizen is a citizen of the
817 United States and resides therein; but no such person shall be treated as an out-patient at,
818 admitted to, or hospitalized in, a state-operated veterans' home if the treatment, admission or
819 hospitalization of any person qualified under the provisions of section one would thereby be
820 postponed or denied.”

821 SECTION 27. Chapter 115A is hereby amended by striking out section 6, as amended by
822 section 50 through 53 of chapter 144 of the acts of 2022, and inserting in place thereof the
823 following section:-

824 “Section 6. So much of any funds known as "Resident Funds" as represents monies
825 belonging to, or deposited for the benefit of, residents or members who have been discharged or
826 voluntarily departed from, or died at, a state-operated veterans' home, which shall have remained

827 unclaimed for more than three years, shall be paid by the superintendent to the state treasurer for
828 disposition in accordance with Chapter two hundred A.”

829 SECTION 28. Chapter 115A is hereby amended by striking out section 7, as amended by
830 section 54 through 56 of chapter 144 of the acts of 2022, and inserting in place thereof the
831 following section:-

832 “Section 7. If a resident at a state-operated veterans' home is discharged therefrom or dies
833 therein while obligated to the commonwealth for support furnished them at such home and there
834 is in the custody of the superintendent of such home a bank book representing a deposit account
835 in a bank, as defined in section one of chapter one hundred and sixty-seven, in the resident's
836 name, which is unclaimed during the two-year period following the date of the discharge or
837 death of such patient, the chairperson of the board of trustees of a state-operated veterans' home
838 may present said bank book to such bank accompanied by an affidavit stating (1) the name of
839 said former resident, (2) the date of admission of said resident to the home and the date of their
840 discharge therefrom, or their death therein, (3) the amount of money for which the said resident
841 or their estate is obligated to the commonwealth, (4) that said bank book belongs to said resident
842 or their estate, (5) that it has been in the custody of the superintendent and has been unclaimed
843 for more than two years, and demanding payment of all or such portion of the amount
844 represented by said bank book as is not in excess of the amount due to the commonwealth for the
845 support furnished such resident.

846 Thereupon, such bank shall pay the trustees of a state-operated veterans' home the
847 amount so requested in said affidavit and shall endorse such payment upon such bank book, with
848 specific reference to this section and shall return such bank book to such chairperson.

849 Upon receipt of such payment the trustees of a state-operated veterans' home shall cause
850 the same to be deposited in its legacy fund or legacy account.

851 Payment to the board of trustees of a state-operated veterans' home, under the provisions
852 of this section, shall discharge the bank of liability to the owner of said property, or any person
853 claiming under them, to the extent of such payments.

854 Any person claiming an interest in property surrendered to the chairperson of the board of
855 trustees of a state-operated veterans' home, pursuant to the provisions of this section, and who
856 claims (1) that said property is or was not beneficially owned by said resident, or (2) that said
857 resident is or was not obligated to the commonwealth for support, as set forth in said affidavit,
858 may within seven years following the date upon which such property is surrendered to the
859 trustees, establish such claim by a petition to the probate court which, after determining the
860 merits of the claim, may direct the trustees to pay the whole or any part of the sum claimed to the
861 claimant.”

862 SECTION 29. Chapter 115A is hereby amended by striking out section 8, as amended by
863 section 57 through 60 of chapter 144 of the acts of 2022, and inserting in place thereof the
864 following section:-

865 “Section 8. The state-operated veterans' homes, after a determination and approval of the
866 trustees of the respective home, that it is in the best interest of the residents, may lease, upon
867 such terms and conditions as may be stipulated by said trustees, sufficient land belonging to such
868 home for the purpose of constructing thereon chapels for the use of the residents or members of
869 said home. The lease shall remain in full force and effect so long as a chapel for said residents is

870 maintained thereon and so long as it shall be maintained in a physical condition satisfactory to
871 the superintendent and the trustees of said home.”

872 SECTION 30. Chapter 115A is hereby amended by striking out section 9, as amended by
873 section 61 of chapter 144 of the acts of 2022, and inserting in place thereof the following
874 section:-

875 “Section 9. The secretary of veterans’ services and the superintendent of each home shall
876 ensure that all services provided at a state operated veterans’ home are provided to eligible
877 veterans without regard to or discrimination based on their sex or gender identity.”

878 SECTION 31. Chapter 115A is hereby amended by striking out section 12, as amended
879 by section 65 of chapter 144 of the acts of 2022, and inserting in place thereof the following
880 section:-

881 “Section 12. (a) There shall be within the department of veterans' services an office of
882 veterans' homes and housing. The secretary of veterans' services shall appoint an executive
883 director of veterans' homes and housing who shall have: (i) at least 5 years of experience in
884 health care management; and (ii) military or other experience working with veterans. The duties
885 of the executive director shall include, but shall not be limited to: (i) oversight of the office; and
886 (ii) service as an advisor to the secretary of veterans' services on matters relative to veterans'
887 housing. The position of executive director shall be classified pursuant to section 45 of chapter
888 30. The executive director may, with the approval of the secretary of veterans' services, appoint
889 and remove any employees necessary to carry out the duties of the office. Unless otherwise
890 provided by law, all such appointments and removals shall be made pursuant to chapter 31.

891 The office shall:

892 (i) coordinate and oversee implementation and enforcement of laws, regulations and
893 policies relative to the veterans' homes and other housing for veterans;

894 (ii) investigate and make recommendations on best practices for providing housing for
895 veterans; provided, however, that the executive director shall have access to all property of the
896 commonwealth under the oversight of the department of veterans services to carry out the duties
897 of the office; provided further, that the members of the boards of trustees of state-operated
898 veterans' homes pursuant to section 40 of chapter 6 and the members of the veterans' homes
899 council pursuant to section 41 of said chapter 6 shall not be subject to the control of the
900 executive director; and provided further, that the executive director shall not have control over
901 the day-to-day operations of veterans' homes.

902 (iii) establish standardized rules and regulations governing domiciliary care, outpatient
903 treatment, admission to and hospitalization in the homes; provided, however, that rules and
904 regulations may include, but not be limited to: (A) governing domiciliary care at, outpatient
905 treatment at, admission to and hospitalization in the homes, including an increase in any charges,
906 subject to the approval of the secretary of health and human services; (B) providing for such
907 treatment, admission and hospitalization for any person qualified under section 1 of chapter
908 115A; (C) providing for emergency treatment for any person in need of such treatment by reason
909 of accident or sudden illness, until such person can be transferred to some other institution or
910 place; (D) providing for the involuntary discharge of a resident in accordance with section 13 of
911 this chapter; (E) providing for the exclusion from outpatient treatment at, admission to or
912 hospitalization in such state-operated veterans' homes of any person whose disability or illness
913 for the treatment and care of which proper facilities are not available at such state-operated
914 veterans' homes;

(iv) develop and amend by-laws that are consistent at existing state-operated veterans' homes, which shall include, but not be limited to, admissions eligibility and procedures, procurement, per diem rates and staffing levels; and

(v) develop and implement a system of reviewing charges, complaints and comments, including, but not limited to, comments from residents, family members of residents and the ombudspersons for each home.

(b) Annually, not later than November 1, the office, in coordination with the veterans' homes council established in section 41 of chapter 6, shall report on the state of the veterans' homes and the report shall include: (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 Department of Veterans Affairs' accreditation, including the efforts necessary to maintain compliance and the efforts necessary to become fully compliant with the United States Department of Veterans Affairs' standards at each veterans' home. The office shall submit the report to the governor, the clerks of the house of representatives and senate and the joint committee on veterans and federal affairs.”

SECTION 32. Chapter 115A is hereby amended by striking out section 13, as amended by section 66 of chapter 144 of the acts of 2022, and inserting in place thereof the following section:-

“Section 13. The secretary of veterans' services shall promulgate rules and regulations pertaining to the operation and administration of the state-operated veterans' homes. The secretary, in consultation with the executive director of veterans' homes and housing, shall

936 continually evaluate the performance of the state-operated veterans' homes and take any action
937 necessary to ensure the safety and welfare of residents of the homes.

938 Any veteran aggrieved by a decision of the superintendent or the executive director or
939 their designee denying or terminating medical or nursing home care in a state-operated veterans'
940 home shall have the right to appeal in accordance with the procedures established by the Centers
941 for Medicare & Medicaid Services and state and federal law.

942 Any veteran aggrieved by a decision of the superintendent or the executive director or
943 their designee denying or terminating domiciliary care in a state-operated veterans' home shall
944 have the right to appeal to the secretary. Appeals shall be filed with the secretary within ninety
945 days of the veteran's receipt of a written adverse notice. A hearing on such appeal held pursuant
946 to this paragraph shall be conducted as an adjudicatory proceeding under chapter 30A and shall
947 be conducted at a location convenient to the veteran which may include telephonically or
948 electronically. The secretary shall issue its decision on the appeal within ninety days after receipt
949 of the appeal. Further review of such decision may be had by any party upon appeal to the
950 division of administrative law appeals established within the executive office of administration
951 and finance pursuant to section four H of chapter seven, hereinafter in this section referred to as
952 "the division". Appeals to the division shall be filed within thirty days after receipt of the
953 secretary's appeal decision. The division shall issue its decision within ninety days after the day
954 of the filing of the appeal. The decision of the division shall be subject to judicial review in
955 accordance with the provisions of chapter thirty A. The time for commencing such an action for
956 judicial review shall be ninety days which shall run from the receipt of notice of the decision of
957 the division. In such an action for judicial review, the record shall consist of (a) the entire
958 proceedings before the division of administrative law appeals, or (b) such portions thereof as the

959 secretary and the parties may stipulate, or (c) a statement of the case agreed to by the secretary
960 and the parties.

961 If a resident files a timely appeal to the secretary contesting the termination of
962 domiciliary care in a state-operated veterans' home, the home shall continue to provide the
963 resident with such services until the secretary or their designee issues a written decision.”

964 SECTION 33. Chapter 115B is hereby amended by striking out section 4, as amended by
965 section 67 of chapter 144 of the acts of 2022, and inserting in place thereof the following
966 section:-

967 “Section 4. The veteran advocate shall report annually to the governor, the senate
968 president, the speaker of the house of representatives, the senate and the house committees on
969 ways and means, and the joint committee on veterans and federal affairs on the activities of the
970 office, including, but not limited to, an analysis of the delivery of services to veterans and
971 recommendations for changes in agency procedures which would enable the commonwealth to
972 better provide services to and for veterans and their families and priorities for implementation of
973 those changes to services. The report shall include data regarding the provision of benefits under
974 chapter 115, including but not limited to the total number of applications to each city and town,
975 the total caseload of each city and town, and the methods by which persons submit applications
976 including the number submitted to a municipality other than where they reside. The report shall
977 be made public on the website of the veteran advocate.”

978 SECTION 34. Chapter 115B is hereby amended by inserting after section 4 the following
979 section:-

980 “Section 5. The office of the veteran advocate shall establish and advertise a toll-free
981 telephone hotline that shall be capable of responding to questions and complaints regarding the
982 administration of benefits and provision of services under chapters 115 and 115A. Said office
983 shall keep a record of complaints and shall investigate each complaint received.”