HOUSE DOCKET, NO. 3644 FILED ON: 1/17/2025

HOUSE . . . . . No. 3820

The Commonwealth of Massachusetts

PRESENTED BY:

James Arciero

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 eligibility of non-Massachusetts origin veterans for state veteran bonus awards.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
James Arciero	*2nd Middlesex*	*1/17/2025*
Raymond L. Mascola		*1/17/2025*

HOUSE DOCKET, NO. 3644 FILED ON: 1/17/2025

HOUSE . . . . . No. 3820

By Representative Arciero of Westford, a petition (accompanied by bill, House, No. 3820) of James Arciero and Raymond L. Mascola relative to eligibility of non-Massachusetts origin veterans for state veteran bonus awards. Veterans and Federal Affairs.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *3480* OF 2023-2024.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act relative to eligibility of non-Massachusetts origin veterans for state veteran bonus awards.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 78 of chapter 10 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in lines 23 and 24, the words “of not less than 6 months before the time of the person's entry into the service” and inserting in place thereof the following words:- of: (i) not less than 6 months before the time of the person's entry into the service or (ii) not less than 10 years after the person’s discharge or release from service.

SECTION 2. Paragraph (5) of subsection (b) of said section 78 of said chapter 10, as appearing in section 5 of chapter 124 of the acts of 2020, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- Upon application, as provided in this section, there shall be allowed and paid out of the treasury of the

commonwealth, without appropriation, the amount of $300 to each person who has served in the armed forces of the United States outside of the continental limits of the United States and who is in receipt of the Armed Forces Expeditionary Medal for service during a period where no other state wartime bonus is available; provided, however, that the person shall have served in the armed forces of the United States for a period of not less than 90 days, unless conditions of physical incapacity prevented the completion of such service; and provided further, that the domicile of a person on account of whose service the application is filed shall have been in the commonwealth for a period of: (i) not less than 6 months immediately before the time of the person's entry into service or (ii) not less than 10 years after the person's discharge or release from service.

SECTION 3. Said chapter 10 is hereby amended by inserting after said section 78, as appearing in the 2018 Official Edition, the following section:-

Section 78A. (a) As used in this section, "active service in the armed forces" shall not include active duty for training in the Army National Guard or Air National Guard or active duty for training as a reservist in the armed forces of the United States.

As used in this section, the term "armed forces" shall mean the United States Army, United States Army Reserve, Army National Guard, United States Marine Corps, United States Marine Corps Reserve, United States Navy, United States Navy Reserve, United States Air Force, United States Air Force Reserve, Air National Guard, United States Coast Guard and United States Coast Guard Reserve.

(b)(1) Upon application, as provided in this section, there shall be allowed and paid out of the treasury of the commonwealth, without appropriation, the sums specified in this section to

each person who served in active service in the armed forces of the United States as part of Operations Desert Shield and Desert Storm for a period of 30 days or more during the period of August 2, 1990 to April 11, 1991; provided, however, that the domicile of a person on account of whose service the application is filed shall have been in the commonwealth for a period of: (i) not less than 6 months immediately before the time of the person's entry into service or (ii) not less than 10 years after the person's discharge or release from service; and, provided further, that any person who served in the armed forces during the period specified and who was awarded a service-connected disability by the United States Department of Veterans Affairs or a Purple Heart, or who died in said service under conditions other than dishonorable, shall be deemed eligible for the sums provided in subsection (c) notwithstanding the person's failure to complete 30 days of active service.

(2) Five hundred dollars shall be allowed and paid out to each such veteran who performed active service in the Persian Gulf area in Operations Desert Shield and Desert Storm and is in receipt of the Southwest Asia Service Medal established by executive order of the President on March 12, 1991.

(3) Three hundred dollars shall be allowed and paid out to all other such veterans who were called to active service in support of said operations as members of the Army National Guard or Air National Guard or as a reservist in the Armed Forces of the United States and served in an area other than the Persian Gulf area.

(c) If a person who is deceased would, if alive, be entitled to the benefits of this section, the sum named in this section shall be paid to the decedent's heirs-at-law; provided, however, that if there is more than 1 heir-at-law, payments shall, in either case, be made in such

proportions as the state treasurer shall determine; provided further, that the state treasurer, in determining the order of precedence, shall, so far as practicable, observe the following order: (i) spouse and children; (i) mother or father; (iii) brother or sister and (iv) other dependents. A right or payment under this section shall not be subject to the claims of creditors, capable of assignment, regarded as assets, legal or equitable of the estate of the deceased, or made the basis for administration thereof.

(d) If a person died while in active service, a sum of $500 shall be paid in the manner provided by subsection (c) in addition to any unpaid amount the person would have been eligible to receive pursuant to subsection (b).

(e) Applications under this section shall be filed with the state treasurer, upon forms to be furnished by state treasurer. The state treasurer may accept the written statement of the clerk of a city or town that a person claiming pay or on whose account pay is claimed by a dependent or heir-at-law, under this section, was domiciled therein on the first day of January, in any year, as prima facie evidence of the fact of such domicile and may accept such other evidence of domicile as the state treasurer may consider adequate or necessary. The clerk of a city or town shall, at the request of the state treasurer, immediately furnish such information relative to such domicile as the clerk's records may disclose. The state treasurer may require and accept such additional evidence as the state treasurer may consider necessary to establish the fact of domicile within the commonwealth as provided under paragraph (1) of subsection (b). The adjutant general shall certify to the state treasurer the dates of service and any other military information necessary to carry out this section. The state treasurer shall furnish to the adjutant general a copy of a DD-214 form or equivalent documentation as determined by the adjutant general for the permanent records of the military division of the commonwealth.

(f) Whoever knowingly makes a false statement, oral or written, relating to a material fact in supporting a claim under this section, shall be punished by a fine of not more than $1,000, by imprisonment for not more than 3 years or both such fine and imprisonment. An offense under this section may be prosecuted by the attorney general, or under the attorney general's direction, in any court within the commonwealth, and all fines collected thereunder shall be paid to the treasury of the commonwealth.

(g) The state treasurer shall section upon all applications made under this section, and may expend for clerical assistance and for such other expenses sums necessary in carrying out this section, not exceeding the sums appropriated for this purpose.

(h) There shall be a payments appeal board. The board shall consist of: a member of the department of the state treasurer to be designated by the state treasurer; an assistant attorney general to be designed by the attorney general; and the adjutant general or a designee. A person aggrieved by a decision of the state treasurer in the matter of payments provided for by this section may appeal to the board and shall be entitled to a hearing, after due notice, upon such appeal. The decision of the board shall be final.

(i) The state treasurer may establish, and from time to time revise, such rules and regulations as may be necessary or desirable to carry out this section.

(j) A sum under this section shall only be allowed or paid out of the treasury of the commonwealth to a veteran whose final enlistment is characterized as discharged or released under honorable conditions for such service; provided, however, that active service members of the armed forces otherwise eligible to receive the sums specified in this section shall be permitted to receive said sums.

SECTION 4. Section 1 of chapter 731 of the acts of 1945, as most recently amended by section 1 of chapter 498 of the acts of 1957, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- Upon application, as hereinafter provided, there shall be allowed and paid out of the treasury of the commonwealth, without appropriation and without a warrant from the governor and council, to each person who shall have served in the armed forces of the United States, in active service, on or after September 16, 1940 and prior to December 31, 1946, and shall have received a discharge or release, other than a dishonorable one, from such service, the sum of $100 and, in addition thereto, the sums hereinafter specified; provided, that the domicile of every person on account of whose service the application is filed shall have been in the commonwealth for a period of not less than 6 months immediately prior to the time of the person's entry into service or not less than 10 years after the person's discharge or release from service.

SECTION 5. Section 1 of chapter 440 of the acts of 1953 is hereby amended by striking out the first sentence, as appearing in section 2 of chapter 403 of the acts of 1955, and inserting in place thereof the following sentence:- Upon application, as hereinafter provided, there shall be allowed and paid out of the treasury of the commonwealth without appropriation and without a warrant from the governor and council, to each person who shall have served in the armed forces of the United States, in active service, between June 25, 1950 and January 31, 1955, both dates inclusive, and who was discharged or released under honorable conditions from such service, the sums hereinafter specified; provided, that the domicile of every person on account of whose service the application is filed shall have been in the commonwealth for a period of not less than 6 months immediately prior to the time of the person's entry into service or not less than 10 years after the person's discharge or release from service.

SECTION 6. The first sentence of section 1 of chapter 646 of the acts of 1968, as most recently amended by section 32 of chapter 112 of the acts of 2020, is hereby further amended by striking out the words “of not less than six months prior to the time of his entry into the service” and inserting in place thereof the following words:- of: (i) not less than 6 months prior to the time of the person’s entry into the service or (ii) not less than 10 years after the person’s discharge or release from service.

SECTION 7. Item 4170–0420 of section 2 of chapter 153 of the acts of 1992, as appearing in section 45 of chapter 50 of the acts of 1993, is hereby repealed.

SECTION 8. Section 14 of chapter 132 of the acts of 2009 is hereby repealed.