

HOUSE No. 4540

House No. 4525, being the text of an amendment, recommended by the committee on Ways and Means, to the Senate Bill relative to veterans' benefits, rights, appreciation, validation and enforcement (Senate, No. 2509, as changed by the Committee on Bills in the Third Reading, and as amended by the House.). May 23, 2018.

The Commonwealth of Massachusetts

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

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

1 SECTION 1. Chapter 2 of the General Laws is hereby amended by adding the following
2 section:-

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

5 SECTION 2. Section 59 of chapter 33 of the General Laws, as appearing in the 2016
6 Official Edition, is hereby amended by striking out, in lines 6 and 7, the words “34 days in any
7 state fiscal year and not exceeding 17” and inserting in place thereof the following figure:- 40.

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

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

13 (f) For the purposes of this section, “base pay for military service” shall not include any
14 housing, incentive, bonus, skills pay, allowance or other stipend or benefit paid to the employee
15 for the employee’s military service.

16 SECTION 5. Chapter 33 of the General Laws is hereby amended by adding the following
17 section:-

18 Section 140. (a)(1) Upon application, as provided in this section, there shall be allowed
19 and paid out of the treasury of the commonwealth, without appropriation, the sums specified in
20 this section to each person who has served in the armed forces of the United States in active
21 service as part of Operation Enduring Freedom, Operation Iraqi Freedom, Operation Noble
22 Eagle, Operation Inherent Resolve, Operation Freedom Sentinel or any successor or related
23 operation and who was discharged or released under honorable conditions for such service;
24 provided, however, that the domicile of a person on account of whose service the application is
25 filed shall have been in the commonwealth for a period of not less than 6 months before the time
26 of the person's entry into the service.

27 (2) One thousand dollars shall be allowed and paid out to each such veteran who
28 performed active service outside of the continental limits of the United States for which the
29 veteran qualified for hostile fire or imminent danger pay as determined by the United States
30 Department of Defense.

31 (3) Five hundred dollars shall be allowed and paid out to each such veteran who
32 performed active duty within the continental limits of the United States or outside the continental
33 limits of the United States but did not qualify for hostile fire or imminent danger pay as
34 determined by the United States Department of Defense for a period of not less than 6 months.

35 (b) "Active service in the armed forces", as used in this section shall not include active
36 duty for training in the Army National Guard or Air National Guard or active duty for training as
37 a reservist in the armed forces of the United States.

38 As used in this section, the words "armed forces" shall have the following meaning:-

39 United States Army, Army of the United States, Army Reserves, United States Navy,
40 United States Naval Reserve, United States Marine Corps, United States Marine Corps Reserve,
41 United States Coast Guard, United States Coast Guard Reserve, Army Nurse Corps, Navy Nurse
42 Corps, United States Air Force, United States Air Force Reserve, Air National Guard and Army
43 National Guard and including women's branches of said armed forces.

44 (c) In the case of the decease of any person who would, if alive, be entitled to the benefits
45 of this section, the sum named in this section shall be paid to the decedent's heirs-at-law; but if
46 there is more than one heir-at-law, payments shall, in either case, be made in such proportions as
47 the state treasurer shall determine, and in determining the order of precedence, so far as
48 practicable, the following order shall be observed:- spouse and children, mother or father, brother
49 or sister, other dependents. No right or payment under this section shall be subject to the claims
50 of creditors, capable of assignment, regarded as assets, legal or equitable of the estate of the
51 deceased or made the basis for administration thereof.

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

55 (e) Applications under this section shall be filed with the state treasurer, upon forms to be
56 furnished by him. The state treasurer may accept the written statement of the clerk of a city or

57 town that a person claiming pay or on whose account pay is claimed by a dependent or heir-at-
58 law, under the provisions of this section, was domiciled therein on the first day of January, in any
59 year, as prima facie evidence of the fact of such domicile, and he may accept such other evidence
60 of domicile as he may consider adequate or necessary. The clerks of the several cities and towns
61 shall, at the request of the state treasurer, forthwith furnish such information relative to such
62 domicile as their records may disclose. The state treasurer may require and accept such
63 additional evidence as he may consider necessary to establish the fact of domicile within the
64 commonwealth as provided under clause (1) of subsection (a). The adjutant general shall certify
65 to the state treasurer the dates of service and any other military information necessary to carry
66 out the provisions of this section. The state treasurer shall furnish to the adjutant general a copy
67 of Form DD-214 or equivalent documentation as determined by the adjutant general for the
68 permanent records of the military division of the commonwealth. Whoever knowingly makes a
69 false statement, oral or written, relating to a material fact in supporting a claim under this
70 section, shall be punished by a fine of not more than \$1,000, or by imprisonment for not more
71 than 3 years, or both. Offenses under this section may be prosecuted by the attorney general, or
72 under his direction, in any court within the commonwealth, and all fines collected thereunder
73 shall be paid to the treasury of the commonwealth. The state treasurer shall section upon all
74 applications made under this section, and may expend for clerical assistance and for such other
75 expenses sums necessary in carrying out this section, not exceeding the sums appropriated for
76 this purpose. Any person aggrieved by a decision of the state treasurer in the matter of payments
77 provided for by this section may appeal to a board, to consist of a member of the department of
78 the state treasurer to be designated by him, an assistant attorney general to be designated by the

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

81 SECTION 6. Chapter 40 of the General Laws is hereby amended by inserting after
82 section 22A¹/₂ the following section:-

83 Section 22A³/₄. (a) A municipality may designate a parking space at the city or town hall
84 for the parking of a veteran in a motor vehicle that is owned and operated by the veteran and that
85 displays a veteran registration plate issued pursuant to section 2 of chapter 90. The parking space
86 shall be available during the normal business hours of the city or town hall for use by such
87 veteran without charge. The municipality shall erect and maintain a sign designating such a
88 parking space that shall bear the words “Veteran Parking Only – this space is reserved for those
89 who have served. Unauthorized Vehicles May Be Removed At The Vehicle Owner's Expense”.
90 The parking space shall only be used by a veteran that meets the requirements of this subsection.

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

94 SECTION 7. Section 5 of chapter 59 of the General Laws, as appearing in the 2016
95 Official Edition, is hereby amended by striking out, in lines 595, 651, 676, 725, 770 and 842, the
96 word “five” and inserting in place thereof, in each instance, the following figure:- 2.

97 SECTION 8. Said section 5 of said chapter 59, as so appearing, is hereby further
98 amended by striking out, in lines 817 and 881, the figure “5” and inserting in place thereof, in
99 each instance, the following figure:- 2.

100 SECTION 8A. Section 5N of said chapter 59, as so appearing, is hereby amended by
101 striking out, in lines 16 and 43, the figure “\$1,000” and inserting in place thereof, in each
102 instance, the following figure:- “\$1,500”.

103 SECTION 8B. Clause Twenty-second A of said section 5 of said chapter 59, as so
104 appearing, is hereby amended by inserting, in line 688, after the words “air force cross” the
105 following words:- , or who is or was a prisoner of war defined as any regularly appointed,
106 enrolled, enlisted, or inducted member of the military forces of the United States who was
107 captured, separated and incarcerated by an enemy of the United States during an armed conflict.

108 SECTION 8C. Said section 5 of said chapter 59, as so appearing, is hereby amended by
109 inserting after clause Seventeenth E the following clause:- Seventeenth F, Notwithstanding any
110 provision of general or special law to the contrary, an abatement granted pursuant to clause
111 Seventeenth, Seventeenth C, Seventeenth C 1/2 or Seventeenth D may be increased annually in
112 the discretion of a city or town by an amount not to exceed the increase in the cost of living as
113 determined by the Consumer Price Index for such year. This clause shall take effect in a city or
114 town upon its acceptance by such city or town.

115 SECTION 8D. Clause Fifty-fifth of said section 5 of said chapter 59, as so appearing, is
116 hereby amended by striking out the second paragraph.

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

119 The department shall establish regulations to identify the education and training
120 requirements for veterans and military medics of the United States Armed Forces that are
121 substantially equivalent to the education and training requirements for emergency medical care

122 in the commonwealth. The department shall waive any education or training requirement for
123 certification as an emergency medical technician for a veteran or military medic who has
124 completed substantially equivalent education or training in the United States Armed Forces as
125 identified by the department; provided, however, that the applicant shall submit sufficient proof
126 of completion of the substantially equivalent education or training to the department. Upon a
127 determination that the applicant's education or training is substantially equivalent, the
128 department shall issue a verification of education or training equivalency to the applicant to
129 certify that the applicant has satisfied the education and training requirement.

130 SECTION 9A. Section 2 of chapter 90 of the General Laws, as so appearing, is hereby
131 amended by inserting after the word "vehicle", in line 507, the following words:- or to the
132 registrant of a motor vehicle that is owned by a partnership, trust or corporation if the motor
133 vehicle otherwise meets the criteria of a private passenger vehicle and there is no distinctive
134 promotional or advertisement marking visible on the motor vehicle.

135 SECTION 9B. Said section 2 of said chapter 90, as so appearing, is hereby further
136 amended by inserting after the word "person", in line 512, the following words:- or for 1 motor
137 vehicle that is owned by a partnership, trust or corporation if the motor vehicle otherwise meets
138 the criteria of a private passenger vehicle, there is no distinctive promotional or advertisement
139 marking visible on the motor vehicle and the motor vehicle is principally used by that person.

140 SECTION 9C. Said section 2 of said chapter 90, as so appearing, is hereby further
141 amended by inserting after the word "person", in line 517, the following words:- or for 1 motor
142 vehicle that is owned by a partnership, trust or corporation if the motor vehicle otherwise meets

143 the criteria of a private passenger vehicle, there is no distinctive promotional or advertisement
144 marking visible on the motor vehicle and the motor vehicle is principally used by that person.

145 SECTION 9D. Said section 2 of said chapter 90, as so appearing, is hereby further
146 amended by inserting after the word “vehicle”, in line 521, the following words:- or a motor
147 vehicle that is owned by a partnership, trust or corporation if the motor vehicle otherwise meets
148 the criteria of a private passenger vehicle and there is no distinctive promotional or
149 advertisement marking visible on the motor vehicle.

150 SECTION 9E. Section 240 of chapter 112 of the General Laws, as so appearing, is
151 hereby amended by adding the following sentence:-

152 The board shall promulgate regulations to determine the allowable education and work
153 hour credits for veterans and military personnel. SECTION 10. Section 8 of chapter 115 of
154 the General Laws, as so appearing, is hereby amended by striking out the first sentence and
155 inserting in place thereof the following sentence:- If a deceased person’s estate has insufficient
156 resources to pay for the cost of the funeral and burial of a deceased person covered by this
157 chapter, the burial agent under section 7 shall expend not more than \$4,000 for the funeral and
158 burial; provided, however, that the cost of the funeral and burial shall be not more than \$5,000.

159 SECTION 10A. Section 2A of chapter 141 of the General Laws, as so appearing, is
160 hereby amended by adding the following sentence:-

161 The examiners shall promulgate regulations to determine the allowable education and
162 work hour credits for veterans and military personnel.

163 SECTION 10B. Section 4 of chapter 142 of the General Laws, as so appearing, is hereby
164 amended by inserting, at the end of the second paragraph, the following sentence:-

165 The examiners shall promulgate regulations to determine the allowable education and
166 work hour credits for veterans and military personnel.

167 SECTION 11. The executive office of health and human services, in conjunction with the
168 department of veterans' services and the center for health information and analysis, shall conduct
169 a study on the transportation of veterans in emergency medical situations to facilities that are not
170 facilities of the United States Department of Veterans Affairs. For the purposes of this section,
171 "veteran" shall mean a veteran who receives benefits under the TRICARE program, as defined in
172 10 U.S.C. 1072(7).

173 The study shall: (i) identify, after seeking consultation with the United States Department
174 of Veterans Affairs, reimbursement guidelines for ambulance services for transportation of
175 veterans to facilities that are not facilities of the United States Department of Veterans Affairs in
176 emergency medical situations; (ii) identify gaps in reimbursement payments where the
177 commonwealth may be eligible for payments to health care facilities or for ambulance services;
178 (iii) determine the associated costs and the reimbursements that are available to veterans when
179 transported to facilities that are not facilities of the United States Department of Veterans
180 Affairs; (iv) recommend potential notification procedures by medical facilities to advise veterans
181 regarding the process of seeking state or federal medical reimbursements; and (v) recommend
182 any gaps to ensure continuity of care. The office shall submit a report on the study to the clerks
183 of the house and the senate, the chairs of the joint committee on veterans and federal affairs, the

184 chairs of the joint committee on health care financing and the house and senate committees on
185 ways and means not later than March 1, 2019.

186 SECTION 11A. There is hereby established a special commission to study the cost and
187 feasibility of exempting veterans of the commonwealth from tuition, fees and associated costs of
188 attending public colleges and universities in the commonwealth, due to recent changes in federal
189 veteran services and benefits related to higher education.

190 The commission shall consist of 13 members: the secretary of the department of veterans'
191 services, or a designee, and the commissioner of the department of higher education, or a
192 designee, who shall serve as co-chairs; 1 of whom shall be a member of the student veterans of
193 America appointed by the governor; 1 of whom shall be a member appointed by the speaker of
194 the house; 1 of whom shall be a member appointed by the senate president; 1 of whom shall be a
195 member appointed by the minority leader of the house; 1 of whom shall be a member appointed
196 by the minority leader of the senate; the house and senate chairs of the joint committee on higher
197 education, or their designees; the house and senate chairs of the joint committee on veterans and
198 federal affairs, or their designees; the chair of the house committee on ways and means, or a
199 designee; and the senate chair of the committee on ways and means, or a designee.

200 The study shall include, but not be limited to: an evaluation of the cost and feasibility of
201 exempting veterans from paying tuition, fees and associated costs at public colleges and
202 universities in the commonwealth; the societal impact of such an exemption for veterans and
203 their families; and the effect of such a policy on the finances of the commonwealth.

204 The commission shall report its findings and any recommendations to the joint committee
205 on veterans and federal affairs, the joint committee on higher education, and the clerks of the
206 house and senate not later than December 21, 2018.

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

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

209 SECTION 13A. The second paragraph of chapter 186 of the acts of 2007 is hereby
210 amended by striking out the words “section 16 of chapter 130 of the acts of 2005” and inserting
211 in place thereof the following words:- section 140 of chapter 33 of the General Laws.

212 SECTION 13B. Section 11 of chapter 132 of the acts of 2009 is hereby amended by
213 striking out the words “section 16 of chapter 130 of the acts of 2005” and inserting in place
214 thereof the following words:- section 140 of chapter 33 of the General Laws.

215 SECTION 13C. Said section 11 of said chapter 132 is hereby further amended by
216 striking out the words “section 16 of said chapter 33” and inserting in place thereof the following
217 words:- section 140 of said chapter 33.

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

219 SECTION 15: Section 5 of Chapter 59 of the General Laws, as so appearing, is hereby
220 amended by inserting after clause Twenty-second G the following clause:

221 Twenty-second H: Real estate to the full amount of the taxable valuation of real property
222 of the surviving parents or guardians of soldiers and sailors, members of the National Guard and
223 veterans who: (i) during active duty service, suffered an injury or illness documented by the
224 United States Department of Veterans Affairs or a branch of the armed forces which was a

225 proximate cause of their death; or (ii) are missing in action with a presumptive finding of death
226 as a result of active duty service as members of the armed forces of the United States; provided,
227 however, that the real estate shall be occupied by the surviving parents or guardians as the
228 surviving parents' or guardians' domicile; and provided further, that the surviving parents or
229 guardians shall have been domiciled in the commonwealth for the 5 consecutive years
230 immediately before the date of filing for an exemption pursuant to this clause or the soldier or
231 sailor, member of the National Guard or veteran was domiciled in the commonwealth for at least
232 6 months before entering service.

233 Surviving parents or guardians eligible for an exemption pursuant to this clause shall be
234 eligible regardless of when the soldier, sailor, member of the National Guard or veteran died or
235 became missing in action with a presumptive finding of death; provided, however, that the
236 exemption shall only apply to tax years beginning on or after January 1, 2019. Such exemption
237 shall be available until such time as the surviving parents or guardians die.

238 No real estate shall be so exempt which has been conveyed to the surviving parents or
239 guardians to evade taxation. This clause shall take effect upon its acceptance by any city or town.

240 SECTION 16. Section 52 of chapter 130 of the General Laws, as so appearing, is hereby
241 amended by inserting after the word "therefor", in line 61, the following words:-

242 ; provided, however, that such city or town shall not charge a veteran, as defined in
243 clause Forty-third of section 7 of chapter 4, a fee greater than the fee charged to a resident of
244 such city or town.

245 SECTION 17. Chapter 149 is hereby amended by striking out section 52A½, as so
246 appearing, and inserting in place thereof the following section:-

247 Section 52A½. An employee who is a veteran or a member of a department of war
248 veterans listed in section 17 of chapter 8 and who desires to participate in a Memorial Day
249 exercise, parade or service in the employee's community of residence shall be allowed and
250 granted a leave of absence of sufficient time to participate in such an exercise, parade or service
251 in the employee's community of residence. The leave of absence shall be with or without pay, at
252 the discretion of the employee's employer.

253 An employee who is a veteran or is a member of a department of war veterans listed in
254 said section 17 of said chapter 8 shall be granted time off to observe Veterans Day. The time off
255 shall be with or without pay, at the discretion of their employer.

256 This section shall not apply to employees whose services are essential and critical to the
257 public health or safety and determined to be essential to the safety and security of such an
258 employee's employer or the property of the employer.

259 SECTION 18. Section 2 of chapter 115 of the General Laws, as appearing in the 2016
260 Official Edition, is hereby amended by adding at the end thereof the following:-

261 The commissioner shall create and maintain a list of firms and organizations willing to
262 provide pro bono legal representation to veterans in the Commonwealth. Such information shall
263 be updated yearly, and will be distributed to veteran's agents and available online.

264 SECTION 19. Notwithstanding any special or general law, rule or regulation to the
265 contrary, any Massachusetts veteran, as defined in clause 43 of section 7 of chapter 4 of the
266 general laws, or any active duty member of the armed forces of the United States, who has
267 received a Bronze Star award for their valiant service, shall be eligible for a Bronze Star plate as
268 verified by either a DD-214 or 638 form, from the registry of motor vehicles.