

HOUSE No. 4185

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:
<i>James Arciero</i>	<i>2nd Middlesex</i>	<i>2/18/2021</i>
<i>Ray Mascola</i>		<i>2/18/2021</i>

HOUSE No. 4185

By Mr. Arciero of Westford, a petition (accompanied by bill, House, No. 4185) of James Arciero and Ray Mascola relative to eligibility of non-Massachusetts origin veterans for state veteran bonus awards. Veterans and Federal Affairs.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

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:

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

6 SECTION 2. Paragraph (5) of subsection (b) of said section 78 of said chapter 10, as
7 appearing in section 5 of chapter 124 of the acts of 2020, is hereby further amended by striking
8 out the first sentence and inserting in place thereof the following sentence:- Upon application, as
9 provided in this section, there shall be allowed and paid out of the treasury of the
10 commonwealth, without appropriation, the amount of \$300 to each person who has served in the
11 armed forces of the United States outside of the continental limits of the United States and who
12 is in receipt of the Armed Forces Expeditionary Medal for service during a period where no other

13 state wartime bonus is available; provided, however, that the person shall have served in the
14 armed forces of the United States for a period of not less than 90 days, unless conditions of
15 physical incapacity prevented the completion of such service; and provided further, that the
16 domicile of a person on account of whose service the application is filed shall have been in the
17 commonwealth for a period of: (i) not less than 6 months immediately before the time of the
18 person's entry into service or (ii) not less than 10 years after the person's discharge or release
19 from service.

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

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

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

30 (b)(1) Upon application, as provided in this section, there shall be allowed and paid out of
31 the treasury of the commonwealth, without appropriation, the sums specified in this section to
32 each person who served in active service in the armed forces of the United States as part of
33 Operations Desert Shield and Desert Storm for a period of 30 days or more during the period of
34 August 2, 1990 to April 11, 1991; provided, however, that the domicile of a person on account of

35 whose service the application is filed shall have been in the commonwealth for a period of: (i)
36 not less than 6 months immediately before the time of the person's entry into service or (ii) not
37 less than 10 years after the person's discharge or release from service; and, provided further, that
38 any person who served in the armed forces during the period specified and who was awarded a
39 service-connected disability by the United States Department of Veterans Affairs or a Purple
40 Heart, or who died in said service under conditions other than dishonorable, shall be deemed
41 eligible for the sums provided in subsection (c) notwithstanding the person's failure to complete
42 30 days of active service.

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

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

51 (c) If a person who is deceased would, if alive, be entitled to the benefits of this section,
52 the sum named in this section shall be paid to the decedent's heirs-at-law; provided, however,
53 that if there is more than 1 heir-at-law, payments shall, in either case, be made in such
54 proportions as the state treasurer shall determine; provided further, that the state treasurer, in
55 determining the order of precedence, shall, so far as practicable, observe the following order: (i)
56 spouse and children; (ii) mother or father; (iii) brother or sister and (iv) other dependents. A right

57 or payment under this section shall not be subject to the claims of creditors, capable of
58 assignment, regarded as assets, legal or equitable of the estate of the deceased, or made the basis
59 for administration thereof.

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

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

77 (f) Whoever knowingly makes a false statement, oral or written, relating to a material fact
78 in supporting a claim under this section, shall be punished by a fine of not more than \$1,000, by

79 imprisonment for not more than 3 years or both such fine and imprisonment. An offense under
80 this section may be prosecuted by the attorney general, or under the attorney general's direction,
81 in any court within the commonwealth, and all fines collected thereunder shall be paid to the
82 treasury of the commonwealth.

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

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

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

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

99 SECTION 4. Section 1 of chapter 731 of the acts of 1945, as most recently amended by
100 section 1 of chapter 498 of the acts of 1957, is hereby further amended by striking out the first

101 sentence and inserting in place thereof the following sentence:- Upon application, as hereinafter
102 provided, there shall be allowed and paid out of the treasury of the commonwealth, without
103 appropriation and without a warrant from the governor and council, to each person who shall
104 have served in the armed forces of the United States, in active service, on or after September 16,
105 1940 and prior to December 31, 1946, and shall have received a discharge or release, other than a
106 dishonorable one, from such service, the sum of \$100 and, in addition thereto, the sums
107 hereinafter specified; provided, that the domicile of every person on account of whose service
108 the application is filed shall have been in the commonwealth for a period of not less than 6
109 months immediately prior to the time of the person's entry into service or not less than 10 years
110 after the person's discharge or release from service.

111 SECTION 5. Section 1 of chapter 440 of the acts of 1953 is hereby amended by striking
112 out the first sentence, as appearing in section 2 of chapter 403 of the acts of 1955, and inserting
113 in place thereof the following sentence:- Upon application, as hereinafter provided, there shall be
114 allowed and paid out of the treasury of the commonwealth without appropriation and without a
115 warrant from the governor and council, to each person who shall have served in the armed forces
116 of the United States, in active service, between June 25, 1950 and January 31, 1955, both dates
117 inclusive, and who was discharged or released under honorable conditions from such service, the
118 sums hereinafter specified; provided, that the domicile of every person on account of whose
119 service the application is filed shall have been in the commonwealth for a period of not less than
120 6 months immediately prior to the time of the person's entry into service or not less than 10 years
121 after the person's discharge or release from service.

122 SECTION 6. The first sentence of section 1 of chapter 646 of the acts of 1968, as most
123 recently amended by section 32 of chapter 112 of the acts of 2020, is hereby further amended by

124 striking out the words “of not less than six months prior to the time of his entry into the service”
125 and inserting in place thereof the following words:- of: (i) not less than 6 months prior to the
126 time of the person’s entry into the service or (ii) not less than 10 years after the person’s
127 discharge or release from service.

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

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