

HOUSE No. 4230

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relative to housing, operations, military service, and enrichment.

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. To provide for benefits for certain veterans and service members in fiscal
2 year 2016, the sums set forth in section 2 are hereby appropriated from the General Fund for the
3 several purposes and subject to the conditions specified in this act and subject to laws regulating
4 the disbursement of public funds; provided, however, that notwithstanding any general or special
5 law to the contrary, appropriations made herein shall not revert and shall be available for
6 expenditure until June 30, 2017. The sums appropriated in this act shall be in addition to any
7 amounts previously appropriated and made available for these purposes.

8 SECTION 2.

9 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

10 Department of Veterans' Services

11 1410-0010 For costs associated with start-up and operating costs of the office of State
12 Veterans' Homes and Housing \$318,240

13 SECTION 3. Said chapter 6 of the General Laws, as so appearing, is hereby amended by
14 striking out section 71 and inserting in place thereof the following section:-

15 Section 71. Said board of trustees shall have the management and control of said home
16 and all property, real and personal, of the commonwealth and occupied or used by said home. In
17 the management and control of said home as aforesaid, said board of trustees shall (1) adopt,
18 issue and promulgate reasonable rules and regulations governing outpatient treatment at,
19 admission to, and hospitalization in, said home, and (2) appoint a superintendent. The
20 superintendent shall be the administrative head of the home. He shall, subject to the approval of
21 the trustees, appoint and may remove a medical director, a treasurer, and assistant treasurer; such
22 treasurer and assistant treasurer shall give bond for the faithful performance of their duties. The
23 provisions of section forty-nine of chapter thirty-one shall apply to the appointment of such
24 treasurer and assistant treasurer. The superintendent shall also appoint and may remove such
25 other persons as he deems necessary for the proper and efficient operation of the facilities of the
26 home. The medical director shall have responsibility for the medical, surgical, and outpatient
27 facilities and shall make recommendations to the superintendent on the appointments of all
28 physicians, nurses, and other medical staff. In addition to the foregoing, said board of trustees
29 shall have the same powers and perform the same duties as are vested and imposed in the
30 trustees of state hospitals under the provisions of sections fourteen A and fourteen C of chapter
31 nineteen, so far as applicable.

32 SECTION 4. Section 16 of chapter 15A of the General Laws, as so appearing, is hereby
33 amended by striking out paragraph 9 and inserting in place thereof the following paragraph:-

34 There shall be a Public Service Scholarship Program to provide scholarships to children
35 and widowed spouses of Massachusetts police officers, firefighters and correction officers, who
36 are killed or died from injuries received while in the performance of duties including authorized
37 training duty; to children of prisoners of war or military or service persons missing in action
38 whose wartime service is credited to the commonwealth; and to the children of veterans whose
39 service was credited to the commonwealth and who were killed in action or otherwise died as a
40 result of such service. Such scholarships shall be awarded by the council pursuant to its
41 guidelines established to govern this program and shall go to those persons referenced above
42 who are admitted to an institution of higher education in the commonwealth to pursue
43 undergraduate studies. The guidelines shall include, but not be limited to, a waiver of mandatory
44 fees.

45 SECTION 5. Section 26 of chapter 31 of the General Laws, as so appearing, is hereby
46 amended by inserting after the words “congressional medal of honor”, in line 25, the following
47 words:- , distinguished service medal, or silver star medal

48 SECTION 6. Section 59 of chapter 33 of the General Laws, as so appearing, is hereby
49 amended by striking out the words “annual training under section 60”, in line 5, and inserting in
50 place thereof the following words:- service in the uniformed services.

51 SECTION 7. . Said section 59 of said chapter 33, is hereby further amended by striking
52 out subsection (d) and inserting in place thereof the following subsections:-

53 (d) An employee of the commonwealth in a reserve component of the armed forces of the
54 United States ordered to service for more than 30 consecutive days shall be paid the regular base
55 salary as a public employee for each pay period of such military leave of absence, reduced by

56 any amount received either from the United States or the commonwealth as base pay for military
57 service performed during the same pay period, and shall not lose any seniority or any accrued
58 vacation leave, sick leave, personal leave, compensation time or earned overtime.

59 (e) An employee of a county, city or town within the commonwealth which, by vote of its
60 county commissioners or city council or of its inhabitants at a town meeting, accepts this section,
61 or has accepted similar provisions of earlier laws, shall be entitled to the benefits and protections
62 of this section or the benefits of the accepted earlier law.

63 (f) For the purposes of this section, uniformed services shall have the same meaning as
64 defined in section 13 of this chapter.

65 SECTION 8. Section 5 of chapter 59 of the General Laws, as so appearing, is hereby
66 amended by striking out clause twenty-second D and inserting in place thereof the following
67 clause:-

68 Twenty-second D, Real estate to the full amount of the taxable valuation of real property
69 of the surviving spouses of soldiers and sailors, members of the National Guard and veterans
70 who, during active duty service, suffered an injury or disease documented by the United States
71 Department of Veterans affairs or a branch of the armed forces, which was a proximate cause of
72 their death, or who are missing in action with a presumptive finding of death, as a result of active
73 duty service as members of the armed forces of the United States; provided that real estate is
74 occupied by the surviving spouse as a domicile, and if the surviving spouse has been domiciled
75 in the commonwealth for 5 consecutive years next before the date for filing for exemption under
76 this clause or the soldier or sailor, member of the National Guard or veteran was domiciled in
77 Massachusetts for at least 6 months before entering service.

78 Such exemption shall be available until such time that the surviving spouse dies or
79 remarries.

80 No real estate shall be so exempt which has been conveyed to the surviving spouse to
81 evade taxation. The amount of the exemption shall be borne by the commonwealth, and the state
82 treasurer shall annually reimburse the city or town for the amount of the tax which otherwise
83 would have been collected for this exemption.

84 Such exemption shall be available to spouses of soldiers and sailors, members of the
85 National Guard and veterans who died before or after the effective date of this legislation but
86 shall apply only to taxes being assessed on or after July 1, 2016.

87 SECTION 9. Clause twenty-second F of subsection (g) of section 5 of chapter 59 of the
88 General Laws, as so appearing, is hereby amended by inserting in line 866 after the word
89 “paraplegics” the following words:- or have a disability rating of one hundred per cent for
90 service-connected blindness

91 SECTION 10. Section 3 of chapter 115 of the General Laws, as so appearing, is hereby
92 amended by striking out, in line 2, the words “, annually in April,” and inserting after the word
93 “agent” in line 2, the following words:- who shall serve for a term of up to three years and be
94 eligible for reappointment.

95 SECTION 11. Chapter 115A of the General Laws, as so appearing, is hereby amended
96 by inserting the following section:-

97 Section 12. (a) There is hereby established within the department of veterans’ services an
98 office of state veterans’ homes and housing hereinafter referred to as the office. The office shall

99 serve as the principal agency for providing oversight of the Soldiers' Home in Massachusetts and
100 the Soldiers' Home in Holyoke and serve as an advisor to the commissioner of veteran's services
101 on matters of veterans housing. Subject to appropriation, the office shall employ an executive
102 director to carry out these duties and responsibilities. The position of executive director of the
103 office shall be classified under section 45 of chapter 30. Subject to appropriation, the executive
104 director may, with the approval of the commissioner of veterans' services, appoint and remove
105 any employees necessary to carry out the duties of the office. Unless otherwise provided by law,
106 all appointments and removals shall be made under chapter 31. The executive director shall be
107 appointed by the commissioner of veterans' services. The executive director shall be the
108 executive head of state veterans' homes and shall be responsible for coordinated implementation
109 and enforcement of laws, regulations and policies relative to the state's veterans' homes. The
110 office shall also investigate and make recommendations on best practices to provide housing for
111 veterans in the commonwealth. The executive director shall meet with board of trustees of the
112 Soldiers' Home in Massachusetts and the Soldiers' Home in Holyoke jointly at least twice a
113 year. The executive director shall have at least 5 years of management and healthcare
114 experience.

115 (b) The office shall annually, not later than November 1, report to the legislature on the
116 state of the soldiers' homes. The report shall include findings relative to the following: (1) the
117 quality of care provided at the homes; (2) the financial status of the homes; (3) the uniformity of
118 programs at the homes; (4) capital needs of the homes; and (5) the status of federal department of
119 veteran affairs accreditation, the efforts needed to maintain compliance and the efforts needed to
120 become fully compliant with the federal department of veterans affairs standards at each
121 soldiers' home. The report shall also include an analysis of activities of the office, including a

122 summary of activities undertaken to implement uniform intake policies and procedures, patient
123 and resident eligibility requirements, and rate-setting functions between both the Soldiers' Home
124 in Massachusetts and the Soldiers' Home in Holyoke. The office shall submit said report
125 annually to the governor, the president of the senate, the speaker of the house, house and senate
126 clerks, the house and senate committees on ways and means, the joint committee on veterans and
127 federal affairs, the joint committee on public health, and the joint committee on housing.

128 SECTION 12. The fifth paragraph of section 32 of chapter 121B of the General Laws, as
129 so appearing, is hereby amended by striking out the second sentence and inserting in place
130 thereof the following sentence:- In determining the net income for the purpose of computing the
131 rent of a totally unemployable disabled veteran, a housing authority shall exclude amounts of
132 disability compensation paid by the United States government for disability occurring in
133 connection with military service in excess of eighteen hundred dollars; provided, that such
134 authorization shall apply only in state-aided projects as provided in sections thirty-five and
135 Thirty-six.

136 SECTION 13. Chapter 62 of the acts of 2014 is hereby amended by striking section 28
137 and inserting in place thereof the following section:-

138 Section 28. (a) There is hereby established the Massachusetts Post-Deployment
139 Commission to make recommendations regarding the implementation of a program in
140 Massachusetts to support service members transitioning to civilian life after deployment.

141 (b) The department of veterans' services shall convene a commission consisting of 17
142 members appointed by the governor of which 2 of whom shall be members of Red Sox
143 Foundation and Massachusetts General Hospital Home Base Program; 2 of whom shall be

144 veteran service officers as defined by paragraph 5 section 1 of chapter 115 of the General Laws;
145 2 of whom shall be members of the Massachusetts Coalition for Suicide Prevention; 2 of whom
146 shall be members of the Massachusetts Psychological Association; and 1 of whom shall be a
147 member of the board of directors of the Massachusetts Association of Realtors. 1 whom shall be
148 the president of Soldier On, or a designee.

149 (c) The secretary of veterans' services shall be the chair of the commission. The
150 members appointed by commission shall elect a vice chair at their first meeting.

151 (d) The commission shall perform and make recommendations pertaining on how best to
152 operationalize and quantify the following duties which may include, but shall not be limited to:

153 (i) examining and evaluating the effectiveness of veterans' suicide prevention policies; (ii)
154 examining and evaluating the effectiveness of resilience training for veterans' personnel; (iii)
155 developing recommendations on ways in which veterans' support service needs may be promptly
156 assessed upon return from deployment; (iv) developing recommendations for methods by which
157 the commonwealth may identify, evaluate and refer service members returning to civilian life
158 post-deployment for assistance with education, employment, healthcare, housing and other
159 services; (v) providing recommendations for improving communication between mental health
160 support services and veterans who may benefit from such services; (vi) developing
161 recommendations for providing mental health counseling services to combat the effects of post-
162 traumatic stress injuries for post-deployment veterans; (1) barriers prohibiting veterans from
163 receiving coverage upon their residency in the commonwealth; (2) tools to educate active duty
164 members who intend to reside in the commonwealth on their ability to acquire health care
165 coverage in the commonwealth; (3) the resources available to military members to help afford
166 coverage upon discharge; (4) identifying the needs of women veterans relative to issues

167 including, but not limited to, compensation, rehabilitation, outreach, health care, education and
168 other issues facing women veterans in the community. The council may hold public hearings to
169 assist in the collection and evaluation of data and testimony.

170 (e) The commission shall submit its findings and recommendations, including a detailed
171 re-entry program plan relative to service members who return to civilian life after deployment,
172 together with recommendations for legislation to carry out those recommendations into effect by
173 filing the same with the house and senate clerks, the house and senate committees on ways and
174 means, the joint committee on veterans and federal affairs not later than December 31, 2017.

175 SECTION 14. Section 32 of chapter 62 of the acts of 2014 is hereby amended in
176 subsection (b) by striking out the figure “16” inserting in place thereof the figure “17”; and in
177 said subsection by inserting at the end thereof the words:- ; and the president of Soldier On, or a
178 designee.

179 SECTION 15. Said section 32 of chapter 62 of the acts of 2014 is hereby amended in
180 subsection (d) by striking out the words “April 30, 2015” inserting in place thereof the following
181 words:- January 30, 2018

182 SECTION 16. Section 32 of chapter 121B of the General Laws, as so appearing, is
183 hereby amended in the third paragraph by inserting at the end thereof the following sentence:-

184 Notwithstanding any law to the contrary, in communities where low income family
185 housing developed pursuant to Chapter 200 of the Acts of 1948 does not exist, preference in
186 admission shall be given to veterans for all scattered site housing units acquired by a local
187 housing authority pursuant to Chapter 705 of the Acts of 1966.

188 SECTION 17. (a) Section 39 of said chapter 121B, as so appearing, is hereby amended
189 by striking out the sixth paragraph and inserting in place thereof the following paragraph:-

190 Among persons who are eligible and qualified for housing pursuant to this section, a
191 preference shall be given to veterans.

192 SECTION 18. Section 40 of said chapter 121B, as so appearing, is hereby amended by
193 striking out subsection (d) and inserting in place thereof the following subsection:-

194 (d) In all housing for elderly persons of low income and handicapped persons of low
195 income there shall be a preference in admission for eligible and qualified applicants who are
196 veterans.

197 SECTION 19. Section 4 of chapter 151B of the General Laws, as appearing in the 2012
198 Official Edition, is hereby amended by striking out, in line 5, the words "or ancestry" and
199 inserting in place thereof the following words:- ancestry or status as a veteran.

200 SECTION 20. Section 17 of chapter 260 of the acts of 2006 is hereby repealed.

201 SECTION 21. Section 29 of chapter 62 of the acts of 2014 is hereby repealed.