

HOUSE No. 4278

The Commonwealth of Massachusetts

House of Representatives, May 10, 2016.

BILL #: H4230

BILL STATUS: Favorable with Amendment

DISSENTERS:

None

ACCOMPANIED BILLS:

None

For the committee,

BRIAN S. DEMPSEY

[Pin Slip]

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. Chapter 6 of the General Laws, as appearing in the 2014 Official Edition, is
2 hereby amended by striking out section 71 and inserting in place thereof the following section:-

3 Section 71. The board of trustees of the Soldiers' Home in Holyoke shall have the
4 management and control of said home and all property, real and personal, of the commonwealth
5 and occupied or used by said home. In the management and control of said home as aforesaid,
6 said board of trustees shall (1) adopt, issue and promulgate reasonable rules and regulations
7 governing outpatient treatment at, admission to, and hospitalization in, said home, and (2)
8 appoint a superintendent. The superintendent shall be the administrative head of the home. The
9 superintendent shall, subject to the approval of the trustees, appoint and remove a medical
10 director, a treasurer, and assistant treasurer. The treasurer and assistant treasurer shall devote
11 their full time and attention to the duties of their office. The provisions of section 49 of chapter
12 31 shall apply to the appointment of such treasurer and assistant treasurer. The superintendent
13 shall also appoint and remove such other persons as the superintendent deems necessary for the
14 proper and efficient operation of the facilities of the home. The medical director shall have

15 responsibility for the medical, surgical and outpatient facilities and shall make recommendations
16 to the superintendent on the appointments of all physicians, nurses and other medical staff. In
17 addition to the foregoing, the board of trustees shall have the same powers and perform the same
18 duties as are vested and imposed in the trustees of state hospitals under the provisions of sections
19 14A and 14C of chapter 19.

20 SECTION 2. Section 16 of chapter 15A of the General Laws, as so appearing, is hereby
21 amended by striking out the ninth paragraph and inserting in place thereof the following
22 paragraph:-

23 There shall be a public service scholarship program to provide scholarships to the
24 following eligible recipients: (i) children and widowed spouses of Massachusetts police officers,
25 firefighters and correction officers, who are killed or died from injuries received while in the
26 performance of their duties, including authorized training duty; (ii) children of prisoners of war
27 or military or service persons missing in action whose wartime service is credited to the
28 commonwealth; and (iii) children of veterans whose service was credited to the commonwealth
29 and who were killed in action or otherwise died as a result of such service. Such scholarships
30 shall be awarded by the council pursuant to its guidelines established to govern this program and
31 shall go to those persons referenced above who are admitted to an institution of higher education
32 in the commonwealth to pursue undergraduate studies. The guidelines shall include, but not be
33 limited to, a waiver of mandatory fees.

34 SECTION 3. Section 26 of chapter 31 of the General Laws, as so appearing, is hereby
35 amended by inserting after the words “congressional medal of honor”, in line 25, the following
36 words:- , distinguished service medal, or silver star medal.

37 SECTION 4. Section 59 of chapter 33 of the General Laws, as so appearing, is hereby
38 amended by inserting after the word “during”, in line 4, the following words:- service in the
39 uniformed services,.

40 SECTION 5. Said section 59 of said chapter 33 is hereby further amended by striking out
41 subsection (d) and inserting in place thereof the following subsections:-

42 (d) An employee of the commonwealth in a reserve component of the armed forces of the
43 United States ordered to service for more than 30 consecutive days shall be paid the regular base
44 salary as a public employee for each pay period of such military leave of absence, reduced by
45 any amount received either from the United States or the commonwealth as base pay for military
46 service performed during the same pay period, and shall not lose any seniority or any accrued
47 vacation leave, sick leave, personal leave, compensation time or earned overtime.

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

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

54 SECTION 6. Section 5 of chapter 59 of the General Laws, as so appearing, is hereby
55 amended by striking out clause twenty-second D and inserting in place thereof the following
56 clause:-

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

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

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

73 SECTION 7. Clause twenty-second F of section 5 of chapter 59 of the General Laws, as
74 so appearing, is hereby amended by inserting after the word “paraplegics”, in line 866, the
75 following words:- or have a disability rating of 100 per cent for service-connected blindness.

76 SECTION 8. Section 3 of chapter 115 of the General Laws, as so appearing, is hereby
77 amended by striking out, in line 2, the words “, annually in April,”.

78 SECTION 9. Said section 3 of chapter 115 is hereby further amended by, inserting after
79 the word “town”, in line 4, the following words:- who shall serve for a term of up to 3 years and
80 be eligible for reappointment.

81 SECTION 10. Chapter 115A of the General Laws, as so appearing, is hereby amended
82 by inserting after section 11 the following section:-

83 Section 12. (a) There is hereby established within the department of veterans’ services an
84 office of state veterans’ homes and housing hereinafter referred to as the office. The office shall
85 serve as the principal agency for providing oversight of the Soldiers' Home in Massachusetts and
86 the Soldiers' Home in Holyoke. Subject to appropriation, the commissioner of veteran’s services
87 shall appoint an executive director for the office, who shall have at least 5 years of management
88 and healthcare experience, and whose duties include oversight of the office and to serve as an
89 advisor to the commissioner of veteran’s services on matters relative to veterans housing. The
90 position of executive director of the office shall be classified under section 45 of chapter 30. The
91 executive director may, with the approval of the commissioner of veterans’ services, appoint and
92 remove any employees necessary to carry out the duties of the office. Unless otherwise provided
93 by law, all appointments and removals shall be made under chapter 31. The office shall have the
94 following duties: (1) coordinate and oversee implementation and enforcement of laws,
95 regulations and policies relative to the state’s veterans’ homes; and (2) investigate and make
96 recommendations on best practices for provide housing for veterans in the commonwealth. The
97 executive director shall meet with the board of trustees of the Soldiers’ Home in Massachusetts
98 and the Soldiers’ Home in Holyoke jointly at least twice per calendar year.

99 (b) The office shall annually, not later than November 1, report to the legislature on the
100 state of the soldiers' homes. The report shall include findings relative to the following: (1) the
101 quality of care provided at the homes; (2) the financial status of the homes; (3) the uniformity of
102 programs at the homes; (4) capital needs of the homes; and (5) the status of federal department of
103 veteran affairs accreditation, the efforts needed to maintain compliance and the efforts needed to
104 become fully compliant with the federal department of veterans affairs standards at each
105 soldiers' home. The report shall also include an analysis of activities of the office, including a
106 summary of activities undertaken to implement uniform intake policies and procedures, patient
107 and resident eligibility requirements, and rate-setting functions between both the Soldiers' Home
108 in Massachusetts and the Soldiers' Home in Holyoke. The office shall submit the report to the
109 governor, and the clerks of the house of representatives and the senate, who shall forward the
110 same to, the joint committee on veterans and federal affairs, the joint committee on public health
111 and the joint committee on housing.

112 SECTION 11. The third paragraph of section 32 of said chapter 121B, as so appearing, is
113 hereby amended by inserting at the end thereof the following sentence:- Notwithstanding any
114 general or special law to the contrary, in communities where low income family housing
115 developed pursuant to Chapter 200 of the Acts of 1948 does not exist, preference in admission
116 shall be given to veterans for all scattered site housing units acquired by a local housing authority
117 pursuant to Chapter 705 of the Acts of 1966.

118 SECTION 12. The fifth paragraph of section 32 of chapter 121B of the General Laws, as
119 so appearing, is hereby amended by striking out the second sentence and inserting in place
120 thereof the following sentence:- In determining the net income for the purpose of computing the
121 rent of a totally unemployable disabled veteran, a housing authority shall exclude amounts of

122 disability compensation paid by the United States government for disability occurring in
123 connection with military service in excess of eighteen hundred dollars; provided, that such
124 authorization shall apply only in state-aided projects as provided in sections thirty-five and
125 Thirty-six.

126 SECTION 13. Section 39 of said chapter 121B, as so appearing, is hereby amended by
127 striking out the sixth paragraph and inserting in place thereof the following paragraph:-

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

130 SECTION 14. Section 40 of said chapter 121B, as so appearing, is hereby amended by
131 striking out subsection (d) and inserting in place thereof the following subsection:-

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

135 SECTION 15. Section 4 of chapter 151B of the General Laws, as so appearing, is hereby
136 amended by striking out the words "or ancestry", in line 5, and inserting in place thereof the
137 following words:- ancestry or status as a veteran.

138 SECTION 16. Section 17 of chapter 260 of the acts of 2006 is hereby repealed.

139 SECTION 17. Chapter 62 of the acts of 2014 is hereby amended by striking section 28
140 and inserting in place thereof the following section:-

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

144 (b) The department of veterans' services shall convene a commission consisting of 17
145 members appointed by the governor of which 2 of whom shall be members of Red Sox
146 Foundation and Massachusetts General Hospital Home Base Program; 2 of whom shall be
147 veteran service officers as defined by paragraph 5 section 1 of chapter 115 of the General Laws;
148 2 of whom shall be members of the Massachusetts Coalition for Suicide Prevention; 2 of whom
149 shall be members of the Massachusetts Psychological Association; 1 of whom shall be a member
150 of the board of directors of the Massachusetts Association of Realtors; and 1 whom shall be the
151 president of Soldier On, or a designee.

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

154 (d) The commission shall perform and make recommendations pertaining on how best to
155 operationalize and quantify the following duties which may include, but shall not be limited to:
156 (i) examining and evaluating the effectiveness of veterans' suicide prevention policies; (ii)
157 examining and evaluating the effectiveness of resilience training for veterans' personnel; (iii)
158 developing recommendations on ways in which veterans' support service needs may be promptly
159 assessed upon return from deployment; (iv) developing recommendations for methods by which
160 the commonwealth may identify, evaluate and refer service members returning to civilian life
161 post-deployment for assistance with education, employment, healthcare, housing and other
162 services; (v) providing recommendations for improving communication between mental health

163 support services and veterans who may benefit from such services; (vi) developing
164 recommendations for providing mental health counseling services to combat the effects of post-
165 traumatic stress injuries for post-deployment veterans; (1) barriers prohibiting veterans from
166 receiving coverage upon their residency in the commonwealth; (2) tools to educate active duty
167 members who intend to reside in the commonwealth on their ability to acquire health care
168 coverage in the commonwealth; (3) the resources available to military members to help afford
169 coverage upon discharge; (4) identifying the needs of women veterans relative to issues
170 including, but not limited to, compensation, rehabilitation, outreach, health care, education and
171 other issues facing women veterans in the community. The council may hold public hearings to
172 assist in the collection and evaluation of data and testimony.

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

178 SECTION 18. Section 29 of chapter 62 of the acts of 2014 is hereby repealed.

179 SECTION 19. Subsection (b) of section 32 of chapter 62 of the acts of 2014 is hereby
180 amended by striking out the figure “16” inserting in place thereof the figure “17”; and in said
181 subsection by inserting at the end thereof the words:- ; and the president of Soldier On, or a
182 designee.

183 SECTION 20. Subsection (d) of said section 32 of chapter 62 of the acts of 2014 is
184 hereby amended by striking out the words “April 30, 2015” and inserting in place thereof the
185 following words:- January 30, 2018.

186 SECTION 21. Spouses of soldiers, sailors, members of the National Guard and veterans
187 who died before or after the effective date of this act shall be eligible for the exemption
188 established pursuant to clause twenty-second D, section 5 of chapter 59 of the General Laws;
189 provided, however that said exemption shall only apply to tax years beginning on or after
190 January 1, 2016.