

SENATE No. 2325

The Commonwealth of Massachusetts

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

SENATE, Thursday, June 9, 2016.

The committee on Ways and Means, to whom was referred the House Bill relative to housing, operations, military service, and enrichment (House, No. 4285),-- reports, recommending that the same ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2325.

For the committee,
Karen E. Spilka

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

1 SECTION 1. Chapter 6 of the General Laws is hereby amended by striking out section
2 71, as appearing in the 2014 Official Edition, and inserting in place thereof the following
3 section:-

4 Section 71. The board of trustees of the Soldiers' Home in Holyoke shall manage and
5 control the Soldiers' Home in Holyoke and all property, real and personal, of the commonwealth
6 that is occupied or used by the home. In the management and control of the home, the board of
7 trustees shall: (i) adopt reasonable rules and regulations governing outpatient treatment at,
8 admission to and hospitalization in the home; and (ii) appoint a superintendent. The
9 superintendent shall be the administrative head of the home. The superintendent shall, subject to
10 the approval of the trustees, appoint and may remove a medical director, a treasurer and an
11 assistant treasurer. The treasurer and assistant treasurer shall devote their full time and attention
12 to the duties of their office. Section 49 of chapter 31 shall apply to the appointment of the
13 treasurer and assistant treasurer. The medical director shall have responsibility for the medical,
14 surgical and outpatient facilities and shall make recommendations to the superintendent
15 regarding the appointments of all physicians, nurses and other medical staff. The superintendent
16 shall also appoint and remove such other persons as the superintendent deems necessary for the
17 proper and efficient operation of the facilities of the home.

18 SECTION 2. Section 16 of chapter 15A of the General Laws, as so appearing, is hereby
19 amended by striking out the first sentence and inserting in place thereof the following sentence:-
20 There shall be a Public Service Scholarship Program to provide scholarships: (i) to the children
21 and widowed spouses of Massachusetts police officers, firefighters and correction officers who
22 were killed or died from injuries received while in the performance of their duties, including
23 authorized training duty; (ii) to the children of prisoners of war or of military or service persons
24 missing in action; and (iii) to the children of veterans whose service was credited to the
25 commonwealth and who were killed in action or otherwise died as a result of such service.

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

29 SECTION 4. Section 59 of chapter 33 of the General Laws, as so appearing, is hereby
30 amended by striking out, in line 5, the word “annual” and inserting in place thereof the following
31 words:- service in the uniformed services, annual.

32 SECTION 5. Subsection (a) of said section 59 of said chapter 33, as so appearing, is
33 hereby further amended by adding the following sentence:- For the purposes of this section,
34 “uniformed services” shall have the same meaning as defined in section 13.

35 SECTION 6. Said section 59 of said chapter 33, as so appearing, is hereby further
36 amended by striking out subsection (d) and inserting in place thereof the following 2
37 subsections:-

38 (d) An employee of the commonwealth in a reserve component of the armed forces of the
39 United States who is ordered to service for more than 30 consecutive days shall be paid the

40 regular base salary as a public employee for each pay period of such military leave of absence,
41 reduced by any amount received either from the United States or the commonwealth as base pay
42 for military service performed during the same pay period. No such employee shall lose any
43 seniority or accrued vacation leave, sick leave, personal leave, compensation time or earned
44 overtime.

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

49 SECTION 7. Section 5 of chapter 59 of the General Laws, as so appearing, is hereby
50 amended by striking out clause Twenty-second D and inserting in place thereof the following
51 clause:-

52 Twenty-second D, Real estate to the full amount of the taxable valuation of real property
53 of the surviving spouses of soldiers and sailors, members of the National Guard and veterans
54 who: (i) during active duty service, suffered an injury or illness documented by the United States
55 Department of Veterans Affairs or a branch of the armed forces which was a proximate cause of
56 their death; or (ii) are missing in action with a presumptive finding of death as a result of active
57 duty service as members of the armed forces of the United States; provided, however, that the
58 real estate shall be occupied by the surviving spouse as the surviving spouse's domicile; and
59 provided further, that the surviving spouse shall have been domiciled in the commonwealth for
60 the 5 consecutive years immediately before the date of filing for an exemption pursuant to this

61 clause or the soldier or sailor, member of the National Guard or veteran was domiciled in the
62 commonwealth for at least 6 months before entering service.

63 Such exemption shall be available until such time as the surviving spouse dies or
64 remarries.

65 No real estate shall be exempt under this clause if it was conveyed to the surviving
66 spouse to evade taxation. The amount of the exemption shall be borne by the commonwealth,
67 and the state treasurer shall annually reimburse the city or town for the amount of the tax which
68 otherwise would have been collected for this exemption.

69 SECTION 8. Said section 5 of said chapter 59, as so appearing, is hereby further
70 amended by inserting after the word “paraplegics”, in line 866, the following words:- or have a
71 disability rating of 100 per cent for service-connected blindness.

72 SECTION 9. The first paragraph of section 3 of chapter 115 of the General Laws, as so
73 appearing, is hereby amended by striking out the first sentence and inserting in place thereof the
74 following sentence:- The mayor of each city, except Boston, and the board of selectmen of each
75 town may appoint a veterans' agent who shall serve for a term of up to 3 years and shall be
76 eligible for reappointment. The veterans' agent may act for the mayor or the board of selectmen,
77 as applicable, in the disbursement of veterans' benefits by the city or town; provided, however,
78 that in each town having a part-time veterans' agent, the town clerk shall receive applications and
79 assist applicants for veterans' benefits and shall submit the applications to the veterans' agent.

80 SECTION 10. Chapter 115A of the General Laws is hereby amended by adding the
81 following section:-

82 Section 12. (a) There shall be within the department of veterans' services an office of
83 veterans' homes and housing. The office shall serve as the principal agency for providing
84 oversight of the Soldiers' Home in Massachusetts and the Soldiers' Home in Holyoke. The
85 commissioner of veterans' services shall appoint an executive director of veterans' homes and
86 housing who shall have at least 5 years of management and healthcare experience. The duties of
87 the executive director shall include, but not be limited to: (i) oversight of the office; and (ii)
88 service as an advisor to the commissioner of veterans' services on matters relative to veterans'
89 housing. The position of executive director shall be classified pursuant to 45 of chapter 30. The
90 executive director may, with the approval of the commissioner of veterans' services, appoint and
91 remove any employees necessary to carry out the duties of the office. Unless otherwise provided
92 by law, all such appointments and removals shall be made pursuant to chapter 31. The office
93 shall: (1) coordinate and oversee implementation and enforcement of laws, regulations and
94 policies relative to the veterans' homes and other housing for veterans; and (2) investigate and
95 make recommendations on best practices for providing housing for veterans. The executive
96 director shall meet with the board of trustees of the Soldiers' Home in Massachusetts and the
97 Soldiers' Home in Holyoke jointly at least twice per calendar year.

98 (b) Annually, not later than November 1, the office shall submit a report to the general
99 court on the state of the soldiers' homes. The report shall include findings relative to: (i) the
100 quality of care provided at the homes; (ii) the financial status of the homes; (iii) the uniformity of
101 programs at the homes; (iv) the capital needs of the homes; and (v) the status of the United States
102 Department of Veterans Affairs' accreditation, including the efforts necessary to maintain
103 compliance and the efforts necessary to become fully compliant with the department's standards
104 at each soldiers' home. The report shall also include an analysis of activities of the office,

105 including a summary of activities undertaken to implement uniform intake policies and
106 procedures, patient and resident eligibility requirements and rate-setting functions between the
107 Soldiers' Home in Massachusetts and the Soldiers' Home in Holyoke. The office shall submit
108 the report to the governor and to the clerks of the senate and house of representatives and the
109 clerks shall forward the report to the joint committee on veterans and federal affairs, the joint
110 committee on public health and the joint committee on housing.

111 SECTION 11. The third paragraph of section 32 of chapter 121B of the General Laws, as
112 appearing in the 2014 Official Edition, is hereby amended by adding the following sentence:-
113 Notwithstanding any general or special law to the contrary, in communities where no low-
114 income family housing was developed pursuant to chapter 200 of the acts of 1948, preference in
115 admission shall be given to veterans for all scattered site housing units acquired by a local
116 housing authority pursuant to chapter 705 of the acts of 1966.

117 SECTION 12. The fifth paragraph of said section 32 of said chapter 121B, as so
118 appearing, is hereby amended by striking out the second sentence and inserting in place thereof
119 the following sentence:- In determining the net income for the purpose of computing the rent of a
120 disabled veteran who is not able to work, a housing authority shall exclude amounts of disability
121 compensation paid by the United States government for disability occurring in connection with
122 military service in excess of \$1800; provided, however, that such exclusion shall apply only to
123 state-aided projects as provided in sections 35 and 36.

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

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

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

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

133 SECTION 15. Section 4 of chapter 151B of the General Laws, as so appearing, is hereby
134 amended by striking out, in lines 5 and 6, the words "or ancestry" and inserting in place thereof
135 the following words:- ancestry or status as a veteran.

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

137 SECTION 17. Chapter 62 of the acts of 2014 is hereby amended by striking out section
138 29 and inserting in place thereof the following section:-

139 Section 29. (a) There shall be a Massachusetts post-deployment commission to make
140 recommendations regarding the implementation of a program to support servicemembers
141 transitioning to civilian life after deployment. The department of veterans' services shall
142 convene the commission.

143 (b) The commission shall consist of the secretary of health and human services or a
144 designee from the executive staff of the executive office of health and human services, the
145 secretary of veterans' services or a designee, who shall serve as chair, 3 members of the senate,
146 of whom 1 shall be a member of the joint committee on veterans and federal affairs, 1 shall be a

147 member of the joint committee on mental health and substance abuse and 1 shall be appointed by
148 the minority leader of the senate; 3 members of the house of representatives, of whom 1 shall be
149 a member of the joint committee on veterans and federal affairs, 1 shall be a member of the joint
150 committee on mental health and substance abuse and 1 shall be appointed by the minority leader
151 of the house of representatives, the adjutant general of the national guard or a designee, the
152 commissioner of the Massachusetts rehabilitation commission or a designee, the undersecretary
153 of housing and community development or a designee, the secretary of labor and workforce
154 development or a designee, the secretary of education or a designee, the president of Brave for
155 Veterans, Inc., the executive director of Quabbin Mediation, Inc., the president of Soldier On,
156 Inc. or a designee and 15 persons to be appointed by the governor, of whom 2 shall be members
157 of the Home Base Program established by the Red Sox Foundation and Massachusetts General
158 Hospital, 2 shall be veterans' agents as defined in section 1 of chapter 115 of the General Laws,
159 2 shall be members of the Massachusetts Coalition for Suicide Prevention, 2 shall be members of
160 the Massachusetts Psychological Association, 1 shall be a member of the board of directors of
161 the Massachusetts Association of Realtors and 5 shall be persons chosen from a list of nominees
162 submitted by each of the following organizations: the Massachusetts Coalition for Suicide
163 Prevention, the Massachusetts Psychological Association Inc., Massachusetts Psychiatric
164 Society, Inc., Massachusetts Association for Mental Health, Inc., Association for Behavioral
165 Healthcare, Inc., Massachusetts Veterans' Service Officers Association, Massachusetts Women
166 Veterans' Network, The Red Sox Foundation, Inc. and Massachusetts General Hospital Home
167 Base Program, the Massachusetts Military Heroes Fund, Inc., the United States Department of
168 Veterans Affairs, The Massachusetts Hospital Association, Inc., the Military Friends Foundation
169 and The Massachusetts League of Community Health Centers, Inc.; provided, however, that 2

170 such members shall be veterans of Operation New Dawn, Operation Enduring Freedom or
171 Operation Iraqi Freedom.

172 (c) The commission shall perform, and make recommendations pertaining to how best to
173 operationalize and quantify, the following duties which may include, but shall not be limited to:
174 (i) examining and evaluating the effectiveness of veterans' suicide prevention policies; (ii)
175 examining and evaluating the effectiveness of resilience training for veterans' personnel; (iii)
176 developing recommendations on ways in which veterans' support service needs may be promptly
177 assessed upon return from deployment; (iv) developing recommendations for methods by which
178 the commonwealth may identify, evaluate and refer servicemembers returning to civilian life
179 post-deployment for assistance with education, employment, healthcare, housing and other
180 services; (v) providing recommendations for improving communication between mental health
181 support services and veterans who may benefit from such services; (vi) developing
182 recommendations for providing mental health counseling services to treat post-traumatic stress
183 injuries for post-deployment veterans; and (vii) providing recommendations on improving health
184 access assistance, including analyzing: (1) barriers prohibiting veterans from receiving coverage
185 upon their residency in the commonwealth; (2) tools to educate active duty members who intend
186 to reside in the commonwealth on their ability to acquire health care coverage in the
187 commonwealth; (3) the resources available to military members to help afford coverage upon
188 discharge; (4) the fluctuating income of servicemembers upon discharge; (5) the number of
189 veterans who are discharged and, upon residency in the commonwealth, are without health care
190 coverage; provided, however, that the council may form a subcommittee to implement this
191 clause; and (6) the needs of women veterans relative to issues including, but not limited to,
192 compensation, rehabilitation, outreach, health care, education and other issues facing women

193 veterans in the community. The commission may hold public hearings to assist in the collection
194 and evaluation of data and testimony.

195 (d) Appointments to the commission shall be made not later than October 1, 2016 and the
196 commission shall hold its first meeting not later than November 1, 2016. The members of the
197 commission shall elect a vice chair at the first meeting.

198 (e) The commission shall submit its findings and recommendations, including a detailed
199 reentry program plan relative to service members who return to civilian life after deployment,
200 together with drafts of legislation necessary to carry those recommendations into effect, by filing
201 the same with the clerks of the senate and house of representatives, the house and senate
202 committees on ways and means, the joint committee on veterans and federal affairs and the joint
203 committee on mental health and substance abuse not later than September 17, 2017.

204 SECTION 18. Subsection (b) of section 32 of said chapter 62 is hereby amended by
205 striking out, in line 1, the figure “16” and inserting in place thereof the following figure:- 17.

206 SECTION 19. Said subsection (b) of said section 32 of said chapter 62 is hereby further
207 amended by inserting after the word “veterans”, in line 18, the following words:- ; the president
208 of Soldier On, Inc. or a designee.

209 SECTION 20. Subsection (d) of said section 32 of said chapter 62 is hereby amended by
210 striking out, in line 3, the words “April 30, 2015” and inserting in place thereof the following
211 words:- January 30, 2018.

212 SECTION 21. Surviving spouses of soldiers, sailors, members of the National Guard and
213 veterans shall be eligible for the exemption established in clause Twenty-second D of section 5

214 of chapter 59 of the General Laws without regard to whether the soldier, sailor, member of the
215 National Guard or veteran died before or after the effective date of said clause Twenty-second D
216 of said section 5 of said chapter 59; provided, however that the exemption shall only apply to tax
217 years beginning on or after January 1, 2017.