

By Mr. Rodrigues of Westport, petition of Michael J. Rodrigues for legislation to further regulate veterans' benefits in cities and towns. Human Services and Elderly Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Seven.

AN ACT FURTHER REGULATING VETERANS' BENEFITS.

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 5 of chapter 115, as so appearing is hereby
2 further amended by striking out the fourth paragraph and inserting
3 in place thereof the following paragraph:—
4 No veteran or dependent shall be compelled to receive veterans'
5 benefits without his consent. He shall receive such benefits at home,
6 or at such other place as the veterans' agent may deem proper, but
7 he shall not be compelled to receive the same at an infirmary or
8 public institution unless his physical or mental condition so
9 requires, or if a minor, unless his parents or guardians so elect. In
10 the event that the necessity for the granting of veterans' benefits to
11 any veterans or any dependent of a veteran is caused by legal
12 responsibility of a tortfeasor liable for financial damages to such
13 veteran or dependent therefor, the veterans' agent or the commis-
14 sioner may require such veteran or dependent to assign to him the
15 whole or any portion of the financial proceeds to be realized from
16 such workmen's compensation, accident or health insurance, or oth-
17 erwise, or the whole or any portion of the financial damages to be
18 recovered from such tortfeasor whether by settlement, arbitration,
19 court action, or otherwise. Such assignment shall operate as a lien
20 on such financial proceeds or financial damages to an amount
21 equivalent to the total expenditures of veterans' benefits allowed to
22 such veteran or dependent, and said lien may be enforced by peti-
23 tion to the district court within the jurisdiction of which the city or
24 town of payment is located.

1 SECTION 2. Said section 5 of said chapter 115, as so appearing,
2 is hereby further amended by striking out the seventh and eighth
3 paragraphs and inserting in place thereof the following two
4 paragraphs:—

5 Effective July first of every year, subject to appropriation, the
6 commissioner shall mandate cities and towns to increase the basic
7 budget of each eligible recipient, before taking into consideration
8 any available income and resources, by a percentage amount equal
9 to the percentage rise in the United States Consumer Price Index for
10 January first of that year over the level of said index for January
11 first of the previous year plus such additional percentage amount as
12 is recommended annually by the commissioner and appropriated by
13 the general court.

14 The benefits provided herein shall include an amount for fuel in
15 the winter months for eligible veterans and dependents if they pay
16 their own heating costs. Said fuel allowance shall be adjusted annu-
17 ally using the New England Economic Indicators fuel adjustment
18 figure for that year over the figure from the preceding year. The
19 commissioner shall revise its Budget Standards Chart under the
20 Code of Massachusetts Regulation, 108 CMR 5 to reflect any
21 adjustment in an amount equal to the percentage rise in the United
22 States Consumer Price Index for January first of that year over the
23 level of said index for January first of the preceding year.