

SENATE No. 2003

The Commonwealth of Massachusetts

PRESENTED BY:

John A. Hart, Jr.

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 passage of the accompanying bill:

An Act relative to the home of the brave.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
John A. Hart, Jr.	First Suffolk
Stephen M. Brewer	Worcester, Hampden, Hampshire and Franklin
James E. Timilty	Bristol and Norfolk
Scott P. Brown	Norfolk, Bristol and Middlesex
Joan M. Menard	First Bristol and Plymouth
Michael W. Morrissey	Norfolk and Plymouth
Kenneth J. Donnelly	Fourth Middlesex
Karen E. Spilka	Second Middlesex and Norfolk
Michael O. Moore	Second Worcester
Susan C. Fargo	Third Middlesex
Steven A. Tolman	Second Suffolk and Middlesex
Bruce E. Tarr	First Essex and Middlesex
Thomas M. McGee	Third Essex and Middlesex
Anthony D. Galluccio	Middlesex, Suffolk and Essex
Brian P. Wallace	4th Suffolk
Michael Brady	9th Plymouth
Richard T. Moore	Worcester and Norfolk
James B. Eldridge	Middlesex and Worcester
Steven A. Tolman	Second Suffolk and Middlesex

Susan C. Tucker

Second Essex and Middlesex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO THE HOME OF THE BRAVE.

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.** The board of trustees of the Home of the Brave, Inc. a 5.01(c)(3) non-
2 profit corporation may construct and operate public homes for veterans. Such homes shall be
3 considered “State Homes”. The construction, purchase, and operation shall be funded from
4 available federal and state funds and private funds. The primary purpose of such Homes is to
5 provide support and care for honorably discharged veterans who served in the Armed Forces of
6 the United States for no less than 180 days.

7 **SECTION 2.** The corporation shall have, but not be limited to the following powers:-
8 Make and execute contracts and all other instruments necessary or convenient for the exercise of
9 its powers and functions under this chapter.
10 Acquire, in the name of the home, real or personal property of any interest therein, including
11 rights or easements, on either a temporary or long-term basis by gift, purchase, transfer,
12 foreclosure, lease or otherwise.

13 Hold, sell, assign, lease, rent, encumber, mortgage or otherwise dispose of any real or personal
14 property, or any interest therein, or mortgage interest owned by it or in its control, custody or
15 possession and release or relinquish any right, title, claim, lien, interest, easement or demand
16 however acquired, including treat of foreclosure.

17 Procure insurance against any loss in connection with its property and other assets in amounts
18 and from insurers which it deems desirable.

19 Receive, on behalf of the State, bequests and donations that may be made to improve the general
20 comfort and welfare of the members of the home or for the betterment of the home.

21 Borrow funds, make and issue bonds and negotiate notes and other evidences of indebtedness or
22 obligations of the veterans' home for prudent and reasonable capital, operational and
23 maintenance purposes. The home may secure payments of all or part of the obligations by
24 pledge of part of the revenues or assets of the home that are available for pledge and that may be
25 lawfully pledged or by mortgage of part, or all, of any property owned by the home. The home
26 may do all lawful things necessary and incidental to those powers. The home may borrow
27 money from the Federal Government and its agencies, from state agencies and from any other
28 source.

29 Do other acts necessary or convenient to exercise the powers granted or reasonably implied in
30 this section.

31 **SECTION 3.** The corporation shall appoint an administrator who shall be an
32 honorably discharged veteran who shall administer the Home in accordance with the rules,
33 guidelines and general policies established by the board. The administrator serves an indefinite
34 term, but may be removed for cause by the board. The administrator's salary is set by the board.

35 The administrator shall hire the necessary employees to operate the home and, whenever
36 possible, give preference in hiring to war veterans. These employees shall not be employees of
37 the Commonwealth.

38 **SECTION 4.** Veterans desiring admission to the home shall apply on forms prescribed
39 by the administrator. Admission shall be granted only to veterans who were residents of the
40 Commonwealth at time of entry into the armed forces or at the time of application and to the
41 spouses, widows or widowers of eligible veterans, provided that suitable facilities are available.
42 Parents of armed services members who are killed in action or die as a consequence of wounds
43 received in battle are also eligible, as so called "Gold Star" parents, for admission. Admission
44 must be granted when provisions of the rules governing private payment, Medicare and Medicaid
45 eligibility to entitled persons are met. Each veteran admitted shall pay the home, as determined
46 by the board, his share of his maintenance which he can afford.

47 **SECTION 5.** All funds received by Home of the Brave, Inc., including federal
48 Veterans' Administration stipend funds, must be held in a permanent fund to be used as required
49 by the administrator for the support and maintenance of the Homes. A percentage of these funds
50 approved by the board of trustees must be placed in reserve for capital improvement
51 expenditures. Home of the Brave, Inc. shall operate the Homes, when constructed or purchased,
52 as self-liquidating projects until all the bonds issued as provided by this chapter are retired. The
53 Executive Office of Health and Human Services shall not modify its principles of reimbursement
54 for long-term care facilities to specifically exclude reimbursement for the depreciation of the
55 assets created with federal or state grants. The corporation shall retain as direct income revenue
56 any stipend funds they may receive from the federal Veterans' Administration for the Homes'
57 entire eligible resident population. The Executive Office of Health and Human Services shall

58 neither receive the proceeds nor require the application of stipend funds in the Medicare or
59 Medicaid rate justification submissions by Home of the Brave, Inc.

60 **SECTION 6.** The corporation shall make an annual report to the Governor on or
61 before November 11. The report shall contain statistics of all veterans who resided in the Home
62 during the year, recommendations to the Governor and General Court and such other matters as
63 the corporation deems pertinent.

64 **SECTION 7.** The corporation's fiscal year shall be the same as the Commonwealth's.
65 The corporation may apply for and receive any grants-in-aid for which the Commonwealth or the
66 corporation shall be eligible. The corporation shall adopt rules for the administration of the
67 home. Every department and agency of the Commonwealth shall upon request furnish
68 assistance, counsel and advice as the corporation shall require.