

**HOUSE . . . . . No.**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Garrett J. Bradley**

*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:

Garrett J. Bradley

DISTRICT/ADDRESS:

3rd Plymouth

# 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-profit corporation may  
2 construct and operate public homes for veterans. Such homes shall be considered "State Homes". The  
3 construction, purchase, and operation shall be funded from available federal and state funds and private  
4 funds. The primary purpose of such Homes is to provide support and care for honorably discharged  
5 veterans who served in the Armed Forces of the United States for no less than 180 days.

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7 SECTION 2. The corporation shall have, but not be limited to the following powers:-

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9 Make and execute contracts and all other instruments necessary or convenient for the exercise  
10 of its powers and functions under this chapter.

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12 Acquire, in the name of the home, real or personal property of any interest therein, including  
13 rights or easements, on either a temporary or long-term basis by gift, purchase, transfer, foreclosure,  
14 lease or otherwise.

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

20

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

23

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

26

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

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

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38 SECTION 3. The corporation shall appoint an administrator who shall be an honorably discharged  
39 veteran who shall administer the Home in accordance with the rules, guidelines and general policies  
40 established by the board. The administrator serves an indefinite term, but may be removed for cause by  
41 the board. The administrator's salary is set by the board. The administrator shall hire the necessary  
42 employees to operate the home and, whenever possible, give preference in hiring to war veterans.  
43 These employees shall not be employees of the Commonwealth.

44

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

54

55 SECTION 5. All funds received by Home of the Brave, Inc., including federal Veterans' Administration  
56 stipend funds, must be held in a permanent fund to be used as required by the administrator for the  
57 support and maintenance of the Homes. A percentage of these funds approved by the board of trustees  
58 must be placed in reserve for capital improvement expenditures. Home of the Brave, Inc. shall operate  
59 the Homes, when constructed or purchased, as self-liquidating projects until all the bonds issued as  
60 provided by this chapter are retired. The Executive Office of Health and Human Services shall not  
61 modify its principles of reimbursement for long-term care facilities to specifically exclude  
62 reimbursement for the depreciation of the assets created with federal or state grants. The corporation  
63 shall retain as direct income revenue any stipend funds they may receive from the federal Veterans'  
64 Administration for the Homes' entire eligible resident population. The Executive Office of Health and  
65 Human Services shall neither receive the proceeds nor require the application of stipend funds in the  
66 Medicare or Medicaid rate justification submissions by Home of the Brave, Inc.

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

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

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