

SENATE No. 1913

The Commonwealth of Massachusetts

PRESENTED BY:

Michael F. Rush

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 adoption of the accompanying bill:

An Act relative to public homes for veterans.

PETITION OF:

NAME:

Michael F. Rush

DISTRICT/ADDRESS:

Norfolk and Suffolk

SENATE No. 1913

By Mr. Rush, a petition (accompanied by bill, Senate, No. 1913) of Michael F. Rush for legislation relative to public homes for veterans. Veterans and Federal Affairs.

The Commonwealth of Massachusetts

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

An Act relative to public homes for veterans.

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. Notwithstanding any general or special law to the contrary, the board of
2 trustees of the Home of the Brave, Inc., a 501(c)(3) non-profit corporation, in sections 100
3 through 105 , inclusive , referred to as the corporation, may construct, purchase and operate
4 public homes for veterans. Such homes shall be considered “state veterans’ homes”. The
5 construction, purchase and operation of state veterans’ homes shall be funded from available
6 federal and private funds. The primary purpose of such state veterans’ homes is to provide
7 support and care for honorably discharged veterans who served in the Armed Forces of the
8 United States for no less than 180 days.

9 SECTION 2. Notwithstanding any general or special law to the contrary, the corporation
10 shall have, but shall not be limited to, the following powers:-

11 (a) to make and execute contracts and all other instruments necessary or convenient for
12 the exercise of its powers and functions under sections 99 through 105, inclusive ;

(b) to acquire, in the name of the corporation, real or personal property of any interest therein, including rights or easements, on either a temporary or long-term basis by gift, purchase, transfer, foreclosure, lease or otherwise;

(c) to hold, sell, assign, lease, rent, encumber, mortgage or otherwise dispose of any real or personal property, or any interest therein, or mortgage interest owned by the corporation or in its control, custody or possession and release or relinquish any right, title, claim, lien, interest, easement or demand however acquired;

(d) to procure insurance against any loss in connection with its property and other assets in amounts and from insurers that it deems desirable;

(e) to receive, on behalf of the commonwealth, bequests and donations that may be made to improve the general comfort and welfare of the members of the state veterans' homes or for the betterment of the state veterans' homes ;

(f) to apply for, and receive, any grants-in-aid for which the corporation shall be eligible;

(g) to borrow funds, make and issue bonds and negotiate notes and other evidences of indebtedness or obligations for prudent and reasonable capital, operational and maintenance purposes on behalf of the state veterans' homes ; provided that the corporation may secure payments of all or part of the obligations by pledge of part of the revenues or assets of the corporation that are available for pledge and that may be lawfully pledged or by mortgage of part, or all, of any property owned by the corporation; provided that the corporation may do all lawful things necessary and incidental to these powers; and provided that the corporation may borrow money from the federal government and its agencies, or from any other non-state sources.

(h) to take other actions necessary or convenient to exercise the powers granted or reasonably implied in this section.

SECTION 3. The corporation shall appoint an administrator who shall be an honorably discharged veteran who shall administer the state veterans' homes in accordance with the rules, guidelines and general policies established by the board of trustees of the corporation. The administrator shall serve for an indefinite term, but may be removed for cause by the board of trustees. The administrator's salary shall be set by the board. The administrator shall hire the necessary employees to operate the state veterans' homes; provided, that said employees shall not be considered employees of the commonwealth.

SECTION 4. Notwithstanding any general or special law to the contrary, veterans desiring admission to the state veterans' homes shall apply on forms prescribed by the administrator. Admission shall be granted only to veterans who were residents of the commonwealth at time of entry into the armed forces or at the time of application for admission and to the spouses, widows or widowers of eligible veterans; provided that suitable facilities are available. Parents of armed services members who are killed in action or die as a consequence of wounds received in battle are also eligible, as so called "Gold Star" parents, for admission. Admission shall only be granted when the provisions of the rules governing private payment, Medicare and Medicaid eligibility to entitled persons are met; provided, however, that suitable facilities are available. Each veteran admitted shall pay the state veterans' home in which he resides, as determined by the board, the share of his maintenance costs that he can afford.

SECTION 5. Notwithstanding any general or special law to the contrary, all unrestricted funds received by the corporation after the effective date of this act, including federal Veterans'

Administration stipend funds, shall be held in a permanent fund to be used as needed by the administrator for the support and maintenance of the state homes. A percentage of these funds approved by the board of trustees must be placed in reserve for capital improvement expenditures. Upon construction or purchase, the corporation shall operate the state homes as self-liquidating projects until all of the bonds issued pursuant to subsection (g) of section 100 are retired. The corporation shall retain as direct income revenue any stipend funds it may receive from the federal Veterans' Administration for the state veterans' homes eligible resident population.

SECTION 6. The corporation shall report annually to the governor, the house and senate committees on ways and means and the joint committee on veterans and federal affairs on or before December 1. The report shall contain statistics of all veterans who resided in the state veterans' homes during the year and such other matters including, but not limited to the following: (1) analysis of funding sources (2) scheduled plan to date, including a schedule detailing commencement of services and associated costs pursuant to construction, purchase and operation of prospective facilities, (3) establishment of standards and any other related costs of the program including, but not limited to, evidence of capital, operational and maintenance indebtedness or obligations, (4) applications for any grants-in-aid for which the corporation shall be eligible, (5) administrative structure and personnel including salaries and benefits pursuant to section 101.

SECTION 7. The corporation's fiscal year shall be the same as the commonwealth's. The corporation shall adopt rules for the administration of the state veterans' homes. The corporation is subject to the provisions of chapter 180 of the General Laws.