

1
2
3
4
5
6
7
8
9

10
11
12
13
14
15
16
17
18
19
20

H.804

Introduced by Representatives Mook of Bennington, Botzow of Pownal, and
Browning of Arlington

Referred to Committee on

Date:

Subject: Vermont Veterans' Home; Veterans' affairs

Statement of purpose of bill as introduced: This bill proposes to make
miscellaneous amendments to provisions regarding the Vermont Veterans'
Home.

An act relating to the Vermont Veterans' Home

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 20 V.S.A. § 1713 is amended to read:

§ 1713. VERMONT VETERANS' HOME BOARD OF TRUSTEES

(a) The Vermont ~~veterans' home~~ Veterans' Home is governed by the
Vermont ~~veterans' home board of trustees~~ Veterans' Home Board of Trustees.

(b) The ~~board~~ Board shall consist of ~~20~~ 21 members, ~~15 of whom shall be~~
~~veterans who have been honorably discharged from any branch of the United~~
~~States armed services, to:~~

(1) Twenty members shall be appointed by the ~~governor~~ Governor for
staggered terms of three years, at least 15 of whom shall be veterans who have

1 been honorably discharged from any branch of the U.S. Armed Forces. Each
2 appointed trustee shall serve until a successor has been appointed. In the event
3 a an appointed trustee vacates the ~~board~~ Board, is unable to serve, or is
4 removed by the Governor for cause, the ~~governor~~ Governor shall appoint
5 another trustee to serve the unexpired term of the departing trustee.

6 (2)(A) One member of the Board shall be a classified employee of the
7 Home who shall be elected by a secret ballot administered by the Board and
8 cast by the classified employees of the Home. This trustee shall not vote in
9 case of a real or apparent conflict of interest, shall serve a term of three years
10 and until a successor is elected, and may be removed by the Governor for
11 cause.

12 (B) The Board shall give notice of a vacancy of this trustee position
13 and hold an election no more than 30 days from the notice date. In the event
14 this trustee vacates the Board, is unable to serve, or is removed by the
15 Governor for cause, the classified employees of the Home shall elect another
16 classified employee of the Home to serve the remainder of the unexpired term.

17 (c) The ~~board~~ Board shall ~~annually~~ elect annually a ~~president~~ President, a
18 ~~vice president~~ Vice President, and a ~~secretary~~ Secretary from among its
19 members. Eleven members shall constitute a quorum at all meetings;
20 provided, however, if there is a vacancy on the ~~board~~ Board, the number of

1 trustees constituting a quorum shall be one more than one-half the number of
2 ~~appointed~~ the remaining trustees.

3 (d) Pursuant to 32 V.S.A. § 1010, trustees who are not ~~state~~ State
4 employees shall be entitled to per diem and reimbursement for actual and
5 necessary expenses incurred in connection with performing their duties under
6 this chapter.

7 Sec. 2. 20 V.S.A. § 1714 is amended to read:

8 § 1714. POWERS AND DUTIES OF THE BOARD OF TRUSTEES

9 Except as otherwise provided in this chapter, the Board shall have all
10 powers necessary and convenient for governing the Home, providing services
11 to veterans and other residents, and otherwise performing its duties under this
12 chapter, including the authority to:

13 (1) Adopt policies, procedures, and bylaws regarding the operation of
14 the Board and the operation and management of the Home.

15 (2) Receive, hold, accept, manage, and convey any interest in real or
16 personal property acquired by the Home by gift, grant, purchase, devise, or
17 otherwise for the purpose of managing the Home and providing services to
18 veterans and such members of their families as the Board deems proper, under
19 such conditions and regulations as the Board may from time to time prescribe.
20 Included within the powers granted by this subdivision, and notwithstanding
21 any other contrary provision of law, is the authority to apply and administer the

1 real or personal property to further the purposes of the Home in accordance
2 with the terms specified by gift, grant, or devise; provided that in the absence
3 of specified terms, the ~~board~~ Board shall have the authority to apply and
4 administer the property in the manner and for the purposes the Board deems
5 appropriate. Also included within the powers granted in this subdivision is the
6 authority to hold title to the real property originally conveyed to the Trustees of
7 the Soldiers Home in Vermont by the Trenor W. Park Home for Destitute
8 Children and Women by quitclaim deed dated January 15, 1887, which shall
9 be administered in the manner provided by the gift.

10 (3) By written procedure, establish, revise, and collect charges for
11 residential room and board. Charges collected under this subdivision shall be
12 credited to special funds, established and administered pursuant to 32 V.S.A.
13 chapter 7, subchapter 5, and shall be available to the Home to offset the cost of
14 providing services.

15 (4) Recommend for appointment by the Governor a licensed nursing
16 home administrator to serve as the ~~Commandant~~ Chief Executive Officer of the
17 Home. The ~~Commandant~~ Chief Executive Officer shall be appointed for an
18 indefinite term and shall be subject to removal, after consultation with the
19 Governor, upon a majority vote of the ~~board~~ Board. The ~~Commandant~~ Chief
20 Executive Officer shall be exempt from the State's classified service.

1 (5) Contract for professional services necessary and appropriate for
2 ~~accounting and managing gifts, grants, or devises acquired by the Home~~ in a
3 manner consistent with 3 V.S.A. chapter 14.

4 (6) Contract for managerial and administrative services, provided the
5 contract is reviewed and either renewed or renegotiated each year by the Board
6 in a manner consistent with 3 V.S.A. chapter 14.

7 (7) Contract with the federal Department of Veterans Affairs for
8 services related to the purpose of the Home.

9 (8) ~~Contract for the services of a medical director.~~ [Repealed.]

10 (9) ~~Contract for chaplain services.~~ [Repealed.]

11 (10) Establish committees of the Board as necessary for the efficient and
12 effective operation of the Home.

13 (11) Adopt rules in accordance with 3 V.S.A. chapter 25 for the purpose
14 of administering the provisions of this chapter.

15 (12) Admit and care for veterans and other residents whose admission
16 does not interfere with the Board's ability to serve its core mission of caring
17 for veterans. No resident shall be admitted whose admission precludes federal
18 funding or otherwise violates federal law or regulation governing the Vermont
19 Veterans' Home.

1 Sec. 3. 20 V.S.A. § 1716 is amended to read:

2 § 1716. ~~COMMANDANT~~ CHIEF EXECUTIVE OFFICER

3 The ~~commandant~~ Chief Executive Officer shall be the chief administrative
4 officer of the ~~home~~ Home and shall exercise general supervision over the
5 business and affairs of the ~~home~~ Home. In addition to other duties, the
6 ~~commandant~~ Chief Executive Officer shall:

7 (1) Attend meetings of the ~~board~~ Board and act as its treasurer.

8 (2) Make reports concerning the ~~home~~ Home to the ~~board~~ Board at such
9 times and in such detail as the ~~board~~ Board directs, together with
10 recommendations the ~~commandant~~ Chief Executive Officer deems appropriate
11 for the welfare and care of the residents of the ~~home~~ Home.

12 (3) Report annually to the ~~general assembly~~ legislative standing
13 committees of jurisdiction regarding the ~~home's~~ Home's budget.

14 (4) Subject to approval of the ~~board~~ Board, appoint a deputy or an
15 executive assistant, ~~and~~ a private secretary, ~~both~~ a Marketing and Admissions
16 Coordinator, a Financial Director, an Environmental Services Manager, and a
17 Nursing Services Director, all of whom shall be appointed for an indefinite
18 term and shall be subject to removal upon a majority vote of the ~~board~~ Board.
19 These positions shall be exempt from the ~~state's~~ State's classified service.

20 (5) ~~Subject to approval of the board, appoint a director of nursing~~
21 ~~services, a personnel manager, a finance manager, a facilities manager, and~~

1 Appoint all other ~~staff~~ employees necessary for the efficient management of
2 the ~~home~~ Home, all of whom shall be classified ~~state~~ State employees subject
3 to the provisions of Vermont statutes.

4 (6) Supervise and direct all employees of the ~~home~~ Home and prescribe
5 their duties not otherwise established by the ~~board~~ Board or by ~~state~~ State or
6 federal law.

7 (7) Ensure that all laws, rules, regulations, and policies pertaining to the
8 ~~home~~ Home are observed.

9 (8) Prepare policies related to operation of the ~~home~~ Home, subject to
10 approval by the ~~board~~ Board.

11 (9) Collect all sums due and payable to the ~~home~~ Home and transfer the
12 same to the ~~state treasurer~~ State Treasurer when received.

13 (10) Perform such other duties as may be directed by the ~~board~~ Board to
14 carry out the purposes of this chapter.

15 Sec. 4. 20 V.S.A. § 1717 is amended to read:

16 § 1717. MANAGEMENT OF FUNDS

17 (a) Notwithstanding the provisions of subdivision 1714(2) of this chapter,
18 all funds of the ~~home not already managed in accordance with subchapter 1 of~~
19 ~~chapter 7 of Title 32~~ Home, except residents' funds as described in subsection
20 (e) of this section, shall be ~~transferred to~~ held by the ~~state treasurer to be~~ State

1 Treasurer and credited to appropriate accounts established in compliance with
2 subsection (b) of this section and 32 V.S.A. § 401(a).

3 (b) There are created one or more ~~special and permanent~~ funds to be held in
4 trust and administered pursuant to ~~subchapter 5 of chapter 7 of Title 32~~. To
5 these funds shall be credited ~~these~~ donations and endowments ~~transferred to~~
6 ~~the state treasurer in subsection (a) of this section and any future donations and~~
7 ~~endowments to the home~~ Home with and without specific restrictions on their
8 use. Interest and earnings ~~both prospectively and retrospectively earned on~~
9 accruing to the funds created by this subsection shall be credited to the
10 respective fund. The funds deposited pursuant to this subsection shall not be
11 considered funds of the state State and shall be used solely for the purposes of
12 this chapter, subject to the terms and conditions of the gift and to the terms and
13 conditions of the donation or endowment. Upon deposit with the State
14 Treasurer's Office, the Home may request from the State Treasurer's Office
15 and may retain locally up to \$10,000.00 of donations and endowments, which
16 may be expended consistent with their applicable terms and conditions, for
17 supporting residents of the home. The funds shall be maintained in an account
18 pursuant to 32.V.S.A § 431. The Chief Executive Officer shall make a report
19 at each scheduled Board meeting of the locally retained donations and
20 endowments. The report shall include any amounts requested by the Home

1 from the State Treasurer's Office, the nature of the funds, the account balance,
2 and any expenditures.

3 (c) Monies from the funds established by this section may be expended by
4 the ~~home~~ Home upon submission of vouchers, submitted at the direction and
5 with the approval of the ~~board~~ Board, to the ~~commissioner of finance and~~
6 ~~management~~ Commissioner of Finance and Management in compliance with
7 32 V.S.A. § 463, and issuance of warrants pursuant to 32 V.S.A. §§ 461 and
8 465. The ~~commissioner~~ Commissioner shall approve expeditiously any
9 request for a release of funds if the request is in conformance with all
10 applicable ~~state~~ State law.

11 (d) On no less than a quarterly basis, the ~~treasurer~~ Chief Executive Officer
12 of the Home shall provide a statement of account activity and fund balances to
13 the ~~board~~ Board.

14 (e) Notwithstanding ~~subchapter 1 of chapter 7 of Title 32~~ the provisions of
15 32 V.S.A. chapter 7, subchapter 1, the ~~home~~ Home is authorized to retain ~~those~~
16 funds when acting in a trustee capacity for individual residents of the ~~home~~
17 Home. Establishment and maintenance of accounts for this purpose shall be
18 pursuant to 32 V.S.A. § 431 and any other relevant provisions of law.

19 (f) ~~Notwithstanding 32 V.S.A. § 5(a)(3), the \$1,000.00 limit for reporting~~
20 ~~pursuant to that subdivision shall be \$10,000.00 as applied to the home~~ Grants,

1 gifts, donations, loans, or other things of value may be accepted pursuant to the
2 provisions of 32 V.S.A. § 5.

3 Sec. 5. 32 V.S.A. § 5 is amended to read:

4 § 5. ACCEPTANCE OF GRANTS

5 (a) No original of any grant, gift, loan, or any sum of money or thing of
6 value may be accepted by any agency, department, commission, board, or
7 other part of State government except as follows:

8 * * *

9 (3)(A) This section shall not apply to the following items, provided that
10 the acceptance of those items will not incur additional expense to the State or
11 create an ongoing requirement for funds, services, or facilities:

12 (i) the acceptance of grants, gifts, donations, loans, or other things
13 of value with a value of \$5,000.00 or less, ~~or to:~~

14 (ii) the acceptance by the Department of Forests, Parks and
15 Recreation of grants, gifts, donations, loans, or other things of value with a
16 value of \$15,000.00 or less, ~~provided that such acceptance will not incur~~
17 ~~additional expense to the State or create an ongoing requirement for funds,~~
18 ~~services, or facilities; or~~

19 (iii) the acceptance by the Vermont Veterans' Home of grants,
20 gifts, donations, loans, or other things of value with a value of \$10,000.00
21 or less.

