

2020 -- H 7175

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

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A N A C T

RELATING TO MILITARY AFFAIRS AND DEFENSE

Introduced By: Representatives Vella-Wilkinson, Casimiro, Azzinaro, Corvese, and Serpa

Date Introduced: January 16, 2020

Referred To: House Veterans` Affairs

It is enacted by the General Assembly as follows:

1 SECTION 1.

2 RESOLVED, That a permanent joint military and veterans' affairs oversight commission
3 be and the same is hereby created consisting of nine (9) members: four (4) of whom shall be from
4 the house of representatives, not more than three (3) from the same political party to be appointed
5 by the speaker; and three (3) of whom shall be from the senate, not more than two (2) from the
6 same political party to be appointed by the senate president; and two (2) honorably discharged
7 military service members to be appointed by the governor.

8 The purpose of the commission shall be to: (1) Oversee all operations of the Rhode Island
9 office of veterans' affairs; (2) Exercise fiscal oversight of the air and army national guard; and (3)
10 Oversee matters related to veteran services to include, but not be limited to, operation of the
11 veterans' cemetery and Rhode Island veterans' home.

12 The commission shall also coordinate and consult with the United States Veterans'
13 Administration concerning veterans' issues.

14 Forthwith upon passage of this resolution, the members of the commission shall meet at
15 the call of the speaker of the house and organize and shall select from among the legislators a
16 chairperson. Vacancies in said commission shall be filled in like manner as the original
17 appointment.

18 The membership of said commission shall receive no compensation for their services.

19 All departments and agencies of the state shall furnish such advice and information,

1 documentary and otherwise, to said commission and its agents as is deemed necessary or
2 desirable by the commission to facilitate the purposes of this resolution.

3 The joint commission of legislative services is hereby authorized and directed to provide
4 suitable quarters for said commission; and be it further

5 RESOLVED, That said commission shall make findings and recommend initiatives and
6 other actions deemed necessary to the general assembly and shall report their findings
7 periodically.

8 SECTION 2. Title 42 of the General Laws entitled "STATE AFFAIRS AND
9 GOVERNMENT" is hereby amended by adding thereto the following chapter:

10 CHAPTER 160

11 RHODE ISLAND MILITARY AND VETERANS' AFFAIRS OVERSIGHT COMMISSION

12 **42-160-1. Short title.**

13 This chapter shall be known and may be cited as the "Rhode Island military and veterans'
14 affairs oversight commission."

15 **42-160-2. Commission creation, purpose and authority.**

16 (a) A permanent joint military and veterans' affairs oversight commission is hereby
17 created consisting of nine (9) members: four (4) of whom shall be from the house of
18 representatives, not more than three (3) from the same political party to be appointed by the
19 speaker; and three (3) of whom shall be from the senate, not more than two (2) from the same
20 political party to be appointed by the senate president; and two (2) honorably discharged military
21 service members to be appointed by the governor.

22 (b)(1) The purpose of the commission shall be to: (i) Oversee all operations of the Rhode
23 Island office of veterans' affairs; (ii) Exercise fiscal oversight of the air and army national guard;
24 and (iii) Oversee matters related to veteran services to include, but not be limited to, operation of
25 the veterans' cemetery and Rhode Island veterans' home.

26 (2) The commission shall also coordinate and consult with the United States Veterans'
27 Administration concerning the commission's oversight of Rhode Island veterans' affairs and
28 issues.

29 (3) The members of the commission shall meet at the call of the speaker of the house and
30 organize and shall select from among the legislators a chairperson. Vacancies in said commission
31 shall be filled in like manner as the original appointment.

32 (4) The membership of said commission shall receive no compensation for their services.

33 (c) All departments and agencies of the state shall furnish such advice and information,
34 documentary and otherwise, to said commission and its agents as is deemed necessary or

1 [desirable by the commission to facilitate the purposes of this section.](#)

2 [\(d\) The joint committee on legislative services is hereby authorized and directed to](#)
3 [provide suitable quarters for said commission;](#)

4 [\(e\) The commission shall make findings and recommend initiatives and other actions](#)
5 [deemed necessary to the general assembly and shall report their findings periodically.](#)

6 SECTION 3. Section 30-14-2 of the General Laws in Chapter 30-14 entitled "General
7 Provisions" is hereby amended to read as follows:

8 **30-14-2. Federal and state funds.**

9 (a) No funds received from the United States shall be expended under chapters 1 -- 14 of
10 this title for any purpose not authorized by federal law or regulations and all other expenditures
11 under those chapters shall be made from funds appropriated by the state.

12 (b) Notwithstanding the foregoing, and for purposes of this section and § 21-28-5.04
13 only, the Rhode Island national guard shall be deemed a law enforcement agency eligible to
14 participate in the forfeiture of money and assets seized through federal, state, or municipal
15 counterdrug operations in which members of the guard support said operations; and any money or
16 assets so acquired may be used by the guard in support of its counterdrug program.

17 [\(c\) Pursuant to the provisions of § 42-160-2, the Rhode Island military and veterans'](#)
18 [affairs oversight commission shall exercise fiscal oversight of funds expended under chapters 1-](#)
19 [14, 24, 25 and 32 of title 30.](#)

20 SECTION 4. Sections 30-17.1-6 and 30-17.1-7 of the General Laws in Chapter 30-17.1
21 entitled "Veterans' Affairs" are hereby amended to read as follows:

22 **30-17.1-6. Establishment of the office of veterans' affairs; director.**

23 (a) There is hereby established within the executive branch of government an office of
24 veterans' affairs. The director of the office of veterans' affairs shall be a person qualified through
25 experience and training and shall be an honorably discharged war veteran of the United States
26 armed forces. The director of the office of veterans' affairs shall be appointed by and report
27 directly to the governor, but the office shall reside within the department of human services for
28 administrative purposes, [and shall be subject to oversight by the military and veterans' affairs](#)
29 [oversight commission pursuant to § 42-160-2.](#)

30 (b) The director of veterans' affairs shall have all such powers, consistent with law, as are
31 necessary and/or convenient to effectuate the purposes of this chapter and to administer its
32 functions, including, but, not limited to, the power to promulgate and adopt regulations. The
33 director shall have authority to apply for, receive, and administer grants and funds from the
34 federal government and all other public and private entities to accomplish the purposes of the

1 office.

2 (c) Effective July 1, 2019, the office of veterans' affairs, as established pursuant to
3 subsection (a), shall be henceforth referred to and renamed as "the office of veterans services"
4 and the director of veterans' affairs, established pursuant to subsection (a), shall henceforth be
5 referred to and renamed as the "director of veterans services."

6 (d) Effective July 1, 2019, all references in the general laws to the office of veterans'
7 affairs, established pursuant to subsection (a), and to the director of veterans' affairs, established
8 pursuant to subsection (a), shall be deemed to mean and refer, respectively, to the office of
9 veterans services and the director of veterans services.

10 **30-17.1-7. Annual report to general assembly.**

11 The director of veterans' affairs shall report annually, no later than January 31st of each
12 year, to the governor, speaker of the house of representatives, the senate president, ~~and~~ house and
13 senate finance committees, [and military and veterans' affairs oversight commission](#), setting forth,
14 in detail, the condition of the veterans' home, any veterans' cemetery authorized and established
15 by the general assembly, and in general the character of the work of veterans' affairs, and shall
16 render in the report a faithful account of all moneys received and expended by the director of
17 human services and by the office of veterans' affairs in the execution of the provisions of this
18 chapter and chapter 24 of this title, excepting the names of persons to whom they have furnished
19 assistance which shall be omitted.

20 SECTION 5. Section 30-24-1 of the General Laws in Chapter 30-24 entitled "Rhode
21 Island Veterans' Home" is hereby amended to read as follows:

22 **30-24-1. Management and control.**

23 The management and control of the Rhode Island veterans' home, established in this state
24 for those who served in the army, navy, marine corps, coast guard, merchant marines, or air force
25 of the United States in any war or conflict and were honorably discharged therefrom, who shall
26 be in need of such care as is provided at the home, shall be the responsibility of the director of
27 human services, or his or her designee, [with oversight to be exercised by the military and
28 veterans' affairs oversight commission pursuant to § 42-160-2.](#)

29 SECTION 6. Section 30-25-14 of the General Laws in Chapter 30-25 entitled "Burial of
30 Veterans" is hereby amended to read as follows:

31 **30-25-14. Rhode Island veterans' memorial cemetery.**

32 (a) The Rhode Island veterans' memorial cemetery, located on the grounds of the Joseph
33 H. Ladd school in the town of Exeter, shall be under the management and control of the director
34 of the department of human services [with oversight by the Rhode Island military and veterans'](#)

1 [affairs oversight commission pursuant to § 42-160-2](#). The director of the department of human
2 services shall appoint an administrator for the Rhode Island veterans' memorial cemetery who
3 shall be an honorably discharged veteran of the United States Armed Forces and shall have the
4 general supervision over, and shall prescribe rules for, the government and management of the
5 cemetery. He or she shall make all needful rules and regulations governing the operation of the
6 cemetery and generally may do all things necessary to ensure the successful operation thereof.
7 The director shall promulgate rules and regulations, not inconsistent with the provisions of 38
8 U.S.C. § 2402, to govern the eligibility for burial in the Rhode Island veterans' memorial
9 cemetery. In addition to all persons eligible for burial pursuant to rules and regulations
10 established by the director, any person who served in the army, navy, air force, or marine corps of
11 the United States for a period of not less than two (2) years and whose service was terminated
12 honorably, shall be eligible for burial in the Rhode Island veterans' memorial cemetery. The
13 director shall appoint and employ all subordinate officials and persons needed for the proper
14 management of the cemetery. National guard members who are killed in the line of duty or who
15 are honorably discharged after completion of at least twenty (20) years' of service in the Rhode
16 Island national guard and their spouse shall be eligible for interment in the Rhode Island veterans'
17 memorial cemetery. For the purpose of computing service under this section, honorable service in
18 the active forces or reserves shall be considered toward the twenty (20) years of national guard
19 service. The general assembly shall make an annual appropriation to the department of human
20 services to provide for the operation and maintenance for the cemetery. The director shall charge
21 and collect a grave liner fee per interment of the eligible spouse and/or eligible dependents of the
22 qualified veteran equal to the department's cost for the grave liner.

23 (b) No domestic animal shall be allowed on the grounds of the Rhode Island veterans'
24 memorial cemetery, whether at large or under restraint, except for seeing eye guide dogs, hearing
25 ear signal dogs or any other service animal, as required by federal law or any personal assistance
26 animal, as required by chapter 9.1 of title 40. Any person who violates the provisions of this
27 section shall be subject to a fine of not less than five hundred dollars (\$500).

28 (c) The state of Rhode Island office of veterans' affairs shall bear the cost of all tolls
29 incurred by any motor vehicles that are part of a veteran's funeral procession, originating from
30 Aquidneck Island ending at the veterans' memorial cemetery, for burial or internment. The
31 executive director of the turnpike and bridge authority shall assist in the administration and
32 coordination of this toll reimbursement program.

1 SECTION 7. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO MILITARY AFFAIRS AND DEFENSE

1 This act would create a nine (9) member permanent joint military and veterans' affairs
2 oversight commission. The commission would oversee operations of Rhode Island office of
3 veterans' affairs and fiscal oversight of military affairs and defense.

4 This act would take effect upon passage.

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