

2021 -- H 5487

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- RHODE ISLAND MILITARY
AND VETERANS' AFFAIRS OVERSIGHT COMMISSION

Introduced By: Representatives Vella-Wilkinson, Casimiro, Noret, McLaughlin,
Williams, and Shanley

Date Introduced: February 10, 2021

Referred To: House Veterans` Affairs

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 42 of the General Laws entitled "STATE AFFAIRS AND
2 GOVERNMENT" is hereby amended by adding thereto the following chapter:

3 CHAPTER 160

4 RHODE ISLAND MILITARY AND VETERANS' AFFAIRS OVERSIGHT COMMISSION

5 **42-160-1. Short title.**

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

8 **42-160-2. Commission creation, purpose and authority.**

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

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

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

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

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

7 (c) All departments and agencies of the state shall furnish such advice and information,
8 documentary and otherwise, to said commission and its agents as is deemed necessary or desirable
9 by the commission to facilitate the purposes of this section.

10 (d) The joint committee on legislative services is hereby authorized and directed to provide
11 suitable quarters for said commission;

12 (e) The commission shall make findings and recommend initiatives and other actions
13 deemed necessary to the general assembly and shall report their findings periodically.

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

16 **30-14-2. Federal and state funds.**

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

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

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

28 SECTION 3. Sections 30-17.1-6 and 30-17.1-7 of the General Laws in Chapter 30-17.1
29 entitled "Veterans' Affairs" are hereby amended to read as follows:

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

31 (a) There is hereby established within the executive branch of government an office of
32 veterans' affairs. The director of the office of veterans' affairs shall be a person qualified through
33 experience and training and shall be an honorably discharged war veteran of the United States
34 armed forces. The director of the office of veterans' affairs shall be appointed by and report directly

1 to the governor, but the office shall reside within the department of human services for
2 administrative purposes, [and shall be subject to oversight by the military and veterans' affairs](#)
3 [oversight commission pursuant to § 42-160-2.](#)

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

9 (c) Effective July 1, 2019, the office of veterans' affairs, as established pursuant to
10 subsection (a), shall be henceforth referred to and renamed as "the office of veterans services" and
11 the director of veterans' affairs, established pursuant to subsection (a), shall henceforth be referred
12 to and renamed as the "director of veterans services."

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

17 **30-17.1-7. Annual report to general assembly.**

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

27 SECTION 4. Section 30-24-1 of the General Laws in Chapter 30-24 entitled "Rhode Island
28 Veterans' Home" is hereby amended to read as follows:

29 **30-24-1. Management and control.**

30 The management and control of the Rhode Island veterans' home, established in this state
31 for those who served in the army, navy, marine corps, coast guard, merchant marines, or air force
32 of the United States in any war or conflict and were honorably discharged therefrom, who shall be
33 in need of such care as is provided at the home, shall be the responsibility of the director of human
34 services, or his or her designee, [with oversight to be exercised by the military and veterans' affairs](#)

1 [oversight commission pursuant to § 42-160-2.](#)

2 SECTION 5. Section 30-25-14 of the General Laws in Chapter 30-25 entitled "Burial of
3 Veterans" is hereby amended to read as follows:

4 **30-25-14. Rhode Island veterans' memorial cemetery.**

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

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

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

6 SECTION 6. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- RHODE ISLAND MILITARY
AND VETERANS' AFFAIRS OVERSIGHT COMMISSION

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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