

1 **ARTICLE 9 AS AMENDED**

2 RELATING TO GOVERNMENTAL ORGANIZATION

3 SECTION 1. Section 12-1.2-4 of the General Laws in Chapter 12-1.2 entitled "State
4 Crime Laboratory" is hereby amended to read as follows:

5 **12-1.2-4. Funding.** – The state crime laboratory shall be funded through the budget of
6 the ~~department of health~~ University of Rhode Island.

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

9 CHAPTER 154

10 DIVISION OF ELDERLY AFFAIRS

11 **42-154-1. Establishment of division -- Director.** – There is hereby established within
12 the executive branch of state government and the department of human services a division of
13 elderly affairs, effective July 1, 2011. The head of the division shall be the director of the division
14 of elderly affairs, who shall be a person qualified through and by training and experience to
15 perform the duties of the division. The director shall be in the unclassified service.

16 **42-154-2. Transfer of powers and duties from the department of elderly affairs.** –
17 There is hereby transferred to the division of elderly affairs within the department of human
18 services those powers and duties formerly administered by the department of elderly affairs as
19 provided for in chapters 42-66 (“Elderly Affairs Department”) through 42-66.10 (“Elder Health
20 Insurance Consumer Assistance Program”), inclusive, and any other applicable provisions of the
21 general laws; provided, however, in order that there is no interruption in the functions of elderly
22 affairs and/or human services the transfer may be postponed until such time as determined by the
23 secretary of the office of health and human services that the transfer may best be put into force
24 and effect; provided, further, the governor shall submit to the 2012 Assembly any recommended
25 statutory changes necessary to facilitate the merger.

26 **42-154-3. Construction of references.** – Effective July 1, 2011, all references in the
27 general laws to the department of elderly affairs established pursuant to chapter 42-66 (“Elderly
28 Affairs Department”) shall be deemed to mean and refer to the division of elderly affairs within
29 the department of human services as set forth in this chapter.

30 SECTION 3. Chapter 42-152 of the General Laws entitled "Department of Veterans'

1 Affairs" is hereby repealed in its entirety.

2 CHAPTER 42-152

3 Department of Veterans' Affairs

4 ~~42-152-1. Department of veterans' affairs. --- There is hereby established within the~~
5 ~~office of health and human services a department of veterans' affairs.~~

6 ~~42-152-2. Powers and duties. --- The powers and duties of the former division of~~
7 ~~veterans' affairs, as provided for in chapter 30-17 of the general laws are hereby transferred to the~~
8 ~~director of veterans' affairs. The director shall be an honorably discharged war veteran of the~~
9 ~~United States armed forces and shall be appointed by the governor with the advise and consent of~~
10 ~~the senate.~~

11 ~~42-152-3. Appropriations. --- The general assembly shall annually act upon a budget~~
12 ~~prepared and submitted by the director of veterans' affairs for the support of the veterans' home in~~
13 ~~the town of Bristol, any veterans' cemetery authorized and established by the general assembly,~~
14 ~~and the assistance of the widows, widowers, and dependent children of deceased veterans, known~~
15 ~~as the "veterans' assistance fund," for the assistance of worthy dependent veterans, and the~~
16 ~~dependent worthy families of those veterans who served in the army, navy, marine corps, coast~~
17 ~~guard, merchant marines, and air force of the United States and were honorably discharged from~~
18 ~~that service.~~

19 ~~42-152-4. Powers of department of veterans' affairs. --- The department of veterans'~~
20 ~~affairs, in addition to having the control and management of veterans' affairs, shall have custody~~
21 ~~of all records inquiring into the needs of worthy veterans and the needs of dependent worthy~~
22 ~~families of those veterans, residing within the state of Rhode Island, and shall also assist such~~
23 ~~cases as examination proves worthy of assistance, in such sums of money and by such methods as~~
24 ~~will, in the judgment of that division, best relieve the needs of worthy applicants for assistance.~~

25 ~~42-152-5. Pension and compensation claims assistance. --- Upon request, the director of~~
26 ~~the department shall, in accordance with the applicable rules and regulations of the department of~~
27 ~~veterans' affairs of the United States, prepare and present all veterans' pension and compensation~~
28 ~~claims qualifying under the provisions of section 42-12-5. The department shall render this~~
29 ~~assistance without charge to the claimant for the assistance.~~

30 ~~42-152-6. Admittance of veteran to veterans' home as condition of assistance. --- The~~
31 ~~director or his or her designee, may, in his or her discretion, require any veteran who has no~~
32 ~~dependent parents, wife, or children, and who desires assistance as provided in this chapter, to~~
33 ~~become a resident of the veterans' home in order to enjoy the benefits of this chapter.~~

34 ~~42-152-7. Residence requirement for admittance to veterans' home. --- Any person~~

1 ~~who has served in the army, navy, marine corps, coast guard, merchant marines, or air force of~~
2 ~~the United States for a period of ninety (90) days or more and that period began or ended during~~
3 ~~any foreign war in which the United States shall have been engaged or in any expedition or~~
4 ~~campaign for which the United States government issues a campaign medal, and who was~~
5 ~~honorably discharged there from, and who shall be deemed to be in need of care provided at the~~
6 ~~Rhode Island Veterans' Home, may be admitted to that facility subject to the rules and regulations~~
7 ~~as shall be adopted by the director of veterans' affairs to govern the admission of applicants to the~~
8 ~~facility. Any person who has served in the armed forces of the United States designated herein~~
9 ~~and otherwise qualified, who has served less than the ninety (90) day period described herein, and~~
10 ~~who was honorably discharged from service, and who, as a result of the service, acquired a~~
11 ~~service-connected disability or disease, may be admitted. No person shall be admitted to the~~
12 ~~facility unless the person has been accredited to the enlistment in the state or is a legal resident of~~
13 ~~the state at that time of the application for admission to the facility.~~

14 ~~**42-152-8. Annual report to general assembly.** -- The director shall appear and make an~~
15 ~~annual report in January of each year to the House and Senate Finance Committees, setting forth~~
16 ~~in detail the condition of the veterans' home, any veterans' cemetery, authorized and established~~
17 ~~by the general assembly, and in general the character of the work of veterans' affairs; and shall~~
18 ~~render in the report a faithful account of all moneys received and expended by the director and by~~
19 ~~the division of veterans' services in the execution of the provisions of this chapter and chapter 24~~
20 ~~of this title, excepting the names of persons to whom they have furnished assistance which shall~~
21 ~~be omitted.~~

22 SECTION 4. Title 30 of the General Laws entitled "MILITARY AFFAIRS AND
23 DEFENSE" is hereby amended by adding thereto the following chapter:

24 CHAPTER 17.1

25 VETERANS' AFFAIRS

26 **30-17.1-1. Appropriations.** -- The general assembly shall annually appropriate such
27 sums as it may deem necessary for the support of the veterans' home in the town of Bristol, any
28 veterans' cemetery authorized and established by the general assembly, and the assistance of the
29 widows, widowers, and dependent children of deceased veterans, known as the "veterans'
30 assistance fund", for the assistance of worthy dependent veterans, and the dependent worthy
31 families of those veterans who served in the army, navy, marine corps, coast guard, and air force
32 of the United States and were honorably discharged from that service, and for such clerical
33 assistance as may be required in connection with the administration of that program; and the state
34 controller is hereby authorized and directed to draw an order upon the general treasurer for the

1 payment of such sums as may be from time to time required, upon receipt by the state controller
2 of proper vouchers approved by the director of human services.

3 **30-17.1-2. Powers of division of veterans' affairs.** – The division of veterans' affairs, in
4 the department of human services, in addition to having the control and management of veterans'
5 affairs, shall have custody of all records inquiring into the needs of worthy veterans and the needs
6 of dependent worthy families of those veterans, residing within the State of Rhode Island, and
7 shall also assist such cases as examination proves worthy of assistance, in such sums of money
8 and by such methods as will, in the judgment of that division, best relieve the needs of worthy
9 applicants for assistance.

10 **30-17.1-3. Oath of officials -- Bonds.** – All officials appointed under the provisions of
11 this chapter or chapter 24 of this title shall be duly sworn to the faithful performance of their
12 duties. The director of human services may, in the director's discretion, require of all officials
13 subordinate to the director, bonds for the faithful performance of their duties.

14 **30-17.1-4. Veterans' claims assistance.** – Upon request, the director of the department
15 of human services, or his or her designee, shall, in accordance with the applicable rules and
16 regulations of the department of veterans' affairs of the United States, prepare and present all
17 veterans' pension and compensation claims qualifying under the provisions of section 42-12-5.
18 The department of human services shall render this assistance without charge to the claimant for
19 the assistance.

20 **30-17.1-5. Requiring veteran to enter home.** – The director of human services, or his or
21 her designee, may, in his or her discretion, require any veteran who has no dependent parents,
22 wife, or children, and who desires assistance as provided in this chapter, to become a resident of
23 the veterans' home in order to enjoy the benefits of this chapter.

24 **30-17.1-6. Establishment of division director.** – There is hereby established within the
25 executive branch of government and the department of human services a director of the division
26 of veterans' affairs. The director of the division of veterans' affairs shall be a person qualified
27 through experience and training and shall be an honorably discharged war veteran of the United
28 States armed forces. The director of the division of veterans' affairs shall report directly to the
29 director of the department of human services and be in the unclassified service.

30 **30-17.1-7. Annual report to general assembly.** – The director of human services shall
31 report annually no later than January 31 of each year to the governor, speaker of the house of
32 representatives, the senate president, house and senate finance committees, setting forth in detail
33 the condition of the veterans' home, any veterans' cemetery, authorized and established by the
34 general assembly, and in general the character of the work of veterans' affairs; and shall render in

1 the report a faithful account of all moneys received and expended by the director of human
2 services and by the division of veterans' services in the execution of the provisions of this chapter
3 and chapter 24 of this title, excepting the names of persons to whom they have furnished
4 assistance which shall be omitted.

5 SECTION 5. Sections 30-24-1, 30-24-2, 30-24-3, 30-24-4, 30-24-5, 30-24-6, 30-24-9,
6 30-24-10 and 30-24-10.1 of the General Laws in Chapter 30-24 entitled "Rhode Island Veterans'
7 Home" are hereby amended to read as follows:

8 **30-24-1. Management and control.** -- The management and control of the Rhode Island
9 veterans' home, established in this state for those who served in the army, navy, marine corps,
10 coast guard, merchant marines, or air force of the United States in any war or conflict and were
11 honorably discharged therefrom, who shall be in need of such care as is provided at the home,
12 shall be ~~in~~ the responsibility of the director of ~~veterans'-affairs~~ human services or his or her
13 designee.

14 **30-24-2. By-laws and regulations -- Supervision by director.** -- (a) The director of
15 ~~veterans'-affairs~~ human services or his or her designee shall have the general supervision over and
16 shall prescribe rules for the government and management of the Rhode Island veterans' home. He
17 or she shall make all needful by-laws and regulations governing the admission, maintenance, and
18 discharge of the residents of the home, which shall not be inconsistent with the spirit and intent of
19 this chapter, and generally may do all things necessary to successfully carry into effect the
20 purposes of this chapter.

21 (b) The director shall appoint and employ all subordinate officials and persons needed
22 for the proper management of the home.

23 **~~30-24-3. Department of veterans' affairs -- Advisory council Administrator --~~**
24 **Advisory council.** -- (a) The director of ~~veterans'-affairs~~ human services shall ~~serve as~~
25 ~~commandant and shall~~ appoint an administrator for the Rhode Island veterans' home who shall be
26 an honorably discharged war veteran of the United States Armed Forces. There shall be an
27 advisory council for ~~the department of~~ veterans' affairs, consisting of not more than twenty-seven
28 (27) qualified electors of this state, ten (10) of whom shall be honorably discharged war veterans
29 of the armed forces of the United States; sixteen (16) of the members shall be appointed by the
30 governor, consisting of a member designated by each of the various state departments of
31 chartered veteran organizations, one of whom shall be a member of the purple heart organization,
32 and the remaining member or members at large; provided, however, that each of those
33 departments of veteran organizations shall have and continue to have at least one member on the
34 advisory council for veterans' affairs; and provided further that one member shall be a female

1 veteran, one member shall be a minority veteran, one member shall be a representative of the
2 Persian Gulf War Veterans' Association, and one member shall be a representative of the Korean
3 War Veterans' Association; seven (7) members shall consist of five (5) members of the house of
4 representatives, not more than four (4) members from the same political party, to be appointed by
5 the speaker of the house of representatives, and two (2) members from the senate, not more than
6 one from the same political party, to be appointed by the president of the senate. The seven (7)
7 members of the general assembly who shall serve on the advisory council of veteran affairs shall
8 serve so long as they are members of the general assembly.

9 (b) The remaining members shall be one former representative having served at least five
10 (5) years on the advisory council, to be appointed by the speaker of the house of representatives,
11 and one former senator having served at least five (5) years on the advisory council, to be
12 appointed by the president of the senate. If either of the last two (2) mentioned are not available,
13 the selections may be members at-large selected from the general public; provided, further, the
14 immediate past chief of veterans' affairs shall serve as ex-officio of the veterans' council with
15 voting privileges for a period of five (5) years and may be reappointed for an additional term by
16 the governor. The final remaining member shall be an active National Guard person to be
17 appointed by the State Adjutant General.

18 **30-24-4. Appointments to advisory council -- Organization and meetings. --**

19 Annually, on or before July 1, the governor shall appoint a successor of each member of the
20 advisory council whose term expires, these appointments to be for a term of three (3) years.
21 Provided, however, that a former state representative or senator having served at least five (5)
22 years on the advisory council shall be appointed for a term of at least five (5) years. In case of any
23 vacancy or additional members on the council, the governor shall appoint a new member for the
24 unexpired portion of the term of that membership as hereinbefore provided. Members of the
25 council shall serve without pay. The advisory council shall elect one of its members to serve as
26 chairperson for a period of one year and until a successor is elected and qualified. Meetings shall
27 be held at the call of the chairperson; provided, however, that a majority of the members may call
28 a meeting of the advisory council at any time, all members being notified in any case by mail and
29 reasonably in advance of any such meetings. A majority of members shall constitute a quorum for
30 the transaction of business. The governor may remove a member of the council for neglect of
31 duty. Secretarial service for the council shall be provided by the director of the department of
32 ~~veterans' affairs~~ [human services](#). Provided, further, the immediate past chief of veterans' affairs
33 shall serve as ex-officio of the veterans' council with voting privileges for a period of five (5)
34 years and may be reappointed for an additional term by the governor.

1 **30-24-5. Functions of advisory council.** -- The advisory council for ~~the department of~~
2 veterans' affairs shall exercise and perform all the duties and functions formerly exercised and
3 performed by the advisory council for the Rhode Island veterans' home. The advisory council for
4 the Rhode Island veterans' home is hereby abolished. The advisory council for veterans' affairs
5 shall make suggestions to and shall advise the director of ~~veterans' affairs~~ [human services](#) and the
6 administrator of the veterans' home concerning the policies, rules, and the regulations of the
7 Rhode Island veterans' home; provided, however, that the advisory council shall have no
8 administrative power.

9 **30-24-6. Acceptance of gifts -- Veterans' home restricted account.** -- (a) The director
10 of ~~veterans' affairs~~ [human services](#) is hereby authorized and empowered to take and receive in the
11 name of the state any grant, devise, gift, or bequest of real or personal property that may be made
12 for the use and benefit of the Rhode Island veterans' home or the residents or purposes thereof.
13 All money so received, and all money received under the provisions of sections 30-24-9 and 30-
14 24-10, shall be paid over to the general treasurer and shall be kept by him or her as a restricted
15 account to be known as the "veterans' home restricted account". Use of the "veterans' home
16 restricted account" funds may only be made upon prior approval of the house of representatives'
17 finance committee and senate finance committee. The director may sell and dispose of any real or
18 personal property received under this section, and any property received under section 30-24-9,
19 and the proceeds of the sale shall be paid over to the general treasurer to be made a part of the
20 restricted account. The restricted account shall be used for the improvement of social,
21 recreational, and educational programs, including the purchase of educational and recreational
22 supplies and equipment for the welfare of members and for operational expenses and capital
23 improvements at the veterans' home and veterans' cemetery, as deemed necessary by the director
24 of ~~veterans' affairs~~ [human services](#).

25 (b) [Deleted by P.L. 1999, ch. 11, section 5.]

26 **30-24-9. Property of deceased residents.** -- All goods, chattels, property, money, and
27 effects of a deceased resident of the Rhode Island veterans' home, which have not been disposed
28 of by him or her by a completed inter vivos conveyance or gift, or by a valid will, after payment
29 therefrom of the funeral expenses, which shall not exceed five thousand dollars (\$5,000), and
30 after payment therefrom of the reasonable debts and expenses of the deceased resident to be
31 determined by rules and regulations as shall be adopted by the director, shall upon his or her
32 decease become the property of the state, and shall be applied by the director of ~~veterans' affairs~~
33 [human services](#) or his designee to the uses and purposes of the veterans' restricted account;
34 provided, however, that the director may in his or her discretion deliver to any surviving relative

1 of the deceased resident any of the property or effects as may serve as a memento of the deceased
2 resident. For purposes of this section, the provisions of chapter 24 of title 33 shall be applicable.

3 **30-24-10. Admissible to home -- Fees. --** (a) Any person who has served in the army,
4 navy, marine corps, coast guard, or air force of the United States for a period of ninety (90) days
5 or more and that period began or ended during any foreign war in which the United States shall
6 have been engaged or in any expedition or campaign for which the United States government
7 issues a campaign medal, and who was honorably discharged from it, and who shall be deemed to
8 be in need of care provided at the Rhode Island veterans' home, may be admitted to that facility
9 subject to such rules and regulations as shall be adopted by the director of ~~veterans' affairs~~ [human](#)
10 [services](#) to govern the admission of applicants to the facility. Any person who has served in the
11 armed forces of the United States designated herein and otherwise qualified, who has served less
12 than the ninety-day period described in this section, and who was honorably discharged from
13 service, and who, as a result of the service, acquired a service-connected disability or disease,
14 may be admitted. No person shall be admitted to the facility unless the person has been accredited
15 to the enlistment or induction quota of the state or has resided in the state for at least two (2)
16 consecutive years next prior to the date of the application for admission to the facility.

17 (b) (1) The director shall, at the end of each fiscal year, determine the net per diem
18 expenses of maintenance of residents in the facility and shall assess against each resident who has
19 "net income", as defined in this section, a fee equal to eighty percent (80%) of the resident's net
20 income, provided that fee shall not exceed the actual cost of care and maintenance for the
21 resident; and provided that an amount equal to twenty percent (20%) of the maintenance fee
22 assessed shall be allocated to and deposited in the veterans' restricted account. For the purposes of
23 this section, "net income" is defined as gross income minus applicable federal and state taxes and
24 minus:

25 (i) An amount equal to one hundred fifty dollars (\$150) per month of residency and fifty
26 percent (50%) of any sum received due to wounds incurred under battle conditions for which the
27 resident received the purple heart; and

28 (ii) The amount paid by a resident for the support and maintenance of his or her spouse,
29 parent(s), minor child(ren), or child(ren) who is/are blind or permanently and totally disabled as
30 defined in title XVI of the Federal Social Security Act, 42 U.S.C. sections 1381 -- 1383d, subject
31 to a maximum amount to be determined by rules and regulations as shall be adopted by the
32 director.

33 (2) The fees shall be paid monthly to the home and any failure to make payment when
34 due shall be cause for dismissal from the facility. Prior to dismissal, the resident shall be afforded

1 administrative due process.

2 (c) Admissions to the veterans' home shall be made without discrimination as to race,
3 color, national origin, religion, sex, disability, marital status, age, sexual orientation, gender
4 identity or expression, assets, or income.

5 (d) Laundry services shall be provided to the residents of the Rhode Island veterans'
6 home at no charge to the residents, with such funds to cover the cost of providing laundry
7 services for residents of the Rhode Island Veterans' Home derived from monies appropriated to
8 the department of ~~veterans' affairs~~ [human services](#).

9 **30-24-10.1. Domiciliary care program for homeless veterans.** -- The director of the
10 department of ~~veterans' affairs~~ [human services](#) is hereby authorized and empowered to establish
11 and maintain a domiciliary care program for homeless veterans (Veterans Transitional Supportive
12 Program, V.T.S.P.) at the Rhode Island Veterans' Home. Any veteran admitted to the Rhode
13 Island Veterans' Home pursuant to this section shall be exempt from the maintenance fee
14 assessment established pursuant to section 30-24-10, provided, however, that the director shall
15 assess against each veteran admitted under this program a monthly maintenance fee equal to ten
16 percent (10%) of the veteran's monthly gross income, from whatever source derived and whether
17 taxable or non-taxable. In addition there will also be additional beds called Extended, V.T.S.P.
18 beds to which a monthly maintenance fee of thirty percent (30%) will be charged. Extended
19 V.T.S.P. will be available to eligible veterans in the V.T.S.P. program, but occupancy will not
20 exceed four (4) months. The maintenance fee shall be paid monthly to the Veterans' Home and
21 shall be deposited in the Veterans' Home fund. Any failure to make payment when due shall be
22 cause for dismissal from the facility. Prior to any dismissal for non-payment of fees, the veteran
23 shall be afforded administrative due process. The director is authorized to promulgate rules and
24 regulations to effectuate the intent and provisions of this section, and this grant of authority to
25 promulgate rules and regulations shall be liberally construed.

26 SECTION 6. Sections 30-25-8, 30-25-9, 30-25-10, 30-25-11, 30-25-12, 30-25-13 and 30-
27 25-14 of the General Laws in Chapter 30-25 entitled "Burial of Veterans" are hereby amended to
28 read as follows:

29 **30-25-8. Maintenance of north cemetery.** -- The director of ~~veterans' affairs~~ [human](#)
30 [services](#) shall be custodian of the Rhode Island soldiers' burial lots, and the monument and grave
31 markers thereon, located in the north cemetery in the town of Bristol. He or she shall, from time
32 to time, cause such work to be done as may be necessary in keeping the lots, monuments, and
33 markers in good condition and repair.

34 **30-25-9. Expenses of north cemetery.** -- The director of ~~veterans' affairs~~ [human services](#)

1 is authorized to make such expenditures as may be necessary in carrying out the purposes of
2 section 30-25-8, and the state controller is hereby authorized and directed upon receipt of proper
3 vouchers approved by the state director of ~~veterans'-affairs~~ [human services](#), to draw orders upon
4 the general treasurer for the payment of such sums as may be required, from the funds under the
5 control of the director of ~~veterans'-affairs~~ [human services](#), known as the veterans' home, restricted
6 account.

7 **30-25-10. Care of neglected graves.** -- The director of ~~veterans'-affairs~~ [human services](#) is
8 authorized and empowered to undertake the care of any grave of any soldier or sailor who fought
9 in the war of the revolution, or who at any time served the United States in any war, when the
10 grave appears to have been neglected or abandoned. For that purpose, the director, and the agents
11 or employees of the division, when duly authorized thereunto by the director, may enter into and
12 upon any public or private cemetery or burial place to clear any grave of grass, weeds, brush,
13 briars, or rubbish; to erect, replace, repair, or renovate fences, memorial stones, or markers; and
14 to perform the other tasks as may be necessary to restore and maintain the grave and its
15 surroundings in a decent and orderly condition.

16 **30-25-11. Consent of custodian of neglected grave.** -- When any cemetery or burial
17 place containing a neglected grave is found by the director of ~~veterans'-affairs~~ [human services](#), or
18 the agents or employees of the division, to be under the custody or control of some private owner
19 or public authority, then the director shall obtain permission in writing from the person or persons
20 having custody or control before entering into and upon the cemetery or burial place; provided,
21 that if no person or persons can be found having the custody or control of the cemetery or burial
22 place, the director shall assume the right of entry and shall perform the duties specified in section
23 30-25-10, without further notice.

24 **30-25-12. Appropriations for care of graves.** -- The general assembly shall, from time
25 to time, appropriate such sums as it may deem necessary to be expended by the director of
26 ~~veterans'-affairs~~ [human services](#) in carrying out the purposes of sections 30-25-10 and 30-25-11,
27 and the state controller is hereby authorized and directed, upon the receipt of the proper vouchers
28 approved by the director, to draw orders upon the general treasurer for the payment of such sums
29 as may be required, within the amount appropriated therefor.

30 **30-25-13. Acceptance and administration of gifts.** -- The director of ~~veterans'-affairs~~
31 [human services](#) may accept in the name of the state, and may administer, any devise, bequest, or
32 gift which is to be expended for the general purposes of this chapter. All sums received by devise,
33 bequest, or gift from any person or corporation shall be deposited with the general treasurer, and
34 by him or her kept in a special fund, to be known as "the veterans' cemetery fund", and held

1 subject to the order of the director.

2 **30-25-14. Rhode Island veterans' memorial cemetery.** -- The Rhode Island veterans'
3 memorial cemetery located on the grounds of the Joseph H. Ladd school in the town of Exeter
4 shall be under the management and control of the director of the department of ~~veterans' affairs~~
5 human services. The director of the department of ~~veterans' affairs~~ human services shall appoint
6 an administrator for the Rhode Island veterans' memorial cemetery who shall be an honorably
7 discharged veteran of the United States Armed Forces and shall have the general supervision over
8 and shall prescribe rules for the government and management of the cemetery. He or she shall
9 make all needful rules and regulations governing the operation of the cemetery and generally may
10 do all things necessary to insure the successful operation thereof. The director shall promulgate
11 rules and regulations, not inconsistent with the provisions of 38 USCS section 2402, to govern the
12 eligibility for burial in the Rhode Island veterans' memorial cemetery. In addition to all persons
13 eligible for burial pursuant to rules and regulations established by the director, any person who
14 served in the army, navy, air force, or marine corps of the United States for a period of not less
15 than two (2) years and whose service was terminated honorably, shall be eligible for burial in the
16 Rhode Island veterans' memorial cemetery. The director shall appoint and employ all subordinate
17 officials and persons needed for the proper management of the cemetery. National Guard
18 members who are killed in the line of duty or who are honorably discharged after completion of
19 at least twenty (20) years' of service in the Rhode Island National Guard and their spouse shall be
20 eligible for internment in the Rhode Island Veterans' Memorial Cemetery. For the purpose of
21 computing service under this section, honorable service in the active forces or reserves shall be
22 considered toward the twenty (20) years of National Guard service. The general assembly shall
23 make an annual appropriation to the department of ~~veterans' affairs~~ human services to provide for
24 the operation and maintenance for the cemetery. The director shall charge and collect a grave
25 liner fee per interment of the eligible spouse and/or eligible dependents of the qualified veteran
26 equal to the Department's cost for the grave liner.

27 SECTION 7. Section 42-18-5 of the General Laws in Chapter 42-18 entitled "Department
28 of Health" is hereby amended to read as follows:

29 **42-18-5. Transfer of powers and functions from department of health.** -- (a) There
30 are hereby transferred to the department of administration:

31 (1) Those functions of the department of health which were administered through or with
32 respect to departmental programs in the performance of strategic planning as defined in section
33 42-11-10(c);

34 (2) All officers, employees, agencies, advisory councils, committees, commissions, and

1 task forces of the department of health who were performing strategic planning functions as
2 defined in section 42-11-10(c); and

3 (3) So much of other functions or parts of functions and employees and resources,
4 physical and funded, related thereto of the director of health as are incidental to and necessary for
5 the performance of the functions transferred by subdivisions (1) and (2).

6 (b) There is hereby transferred to the department of human services the administration
7 and management of the special supplemental nutrition program for women, infants, and children
8 (WIC) and all functions and resources associated therewith.

9 [\(c\) There is hereby transferred to the department of human services the HIV/AIDS direct](#)
10 [services programs and all functions and resources associated therewith.](#)

11 SECTION 8. Section 42-11-10 of the General Laws in Chapter 42-11 entitled
12 "Department of Administration" is hereby amended to read as follows:

13 **42-11-10. Statewide planning program.** -- (a) Findings. - The general assembly finds
14 that the people of this state have a fundamental interest in the orderly development of the state;
15 the state has a positive interest and demonstrated need for establishment of a comprehensive
16 strategic state planning process and the preparation, maintenance, and implementation of plans
17 for the physical, economic, and social development of the state; the continued growth and
18 development of the state presents problems that cannot be met by the cities and towns
19 individually and that require effective planning by the state; and state and local plans and
20 programs must be properly coordinated with the planning requirements and programs of the
21 federal government.

22 (b) Establishment of statewide planning program. - (1) A statewide planning program is
23 hereby established to prepare, adopt, and amend strategic plans for the physical, economic, and
24 social development of the state and to recommend these to the governor, the general assembly,
25 and all others concerned.

26 (2) All strategic planning, as defined in subsection (c) of this section, undertaken by the
27 executive branch for those departments and other agencies enumerated in subsection (g) of this
28 section, shall be conducted by or under the supervision of the statewide planning program. The
29 statewide planning program shall consist of a state planning council, and the office of strategic
30 planning and the office of systems planning of the division of planning, which shall be a division
31 within the department of administration.

32 (c) Strategic planning. - Strategic planning includes the following activities:

33 (1) Establishing or identifying general goals.

34 (2) Refining or detailing these goals and identifying relationships between them.

1 (3) Formulating, testing, and selecting policies and standards that will achieve desired
2 objectives.

3 (4) Preparing long-range or system plans or comprehensive programs that carry out the
4 policies and set time schedules, performance measures, and targets.

5 (5) Preparing functional short-range plans or programs that are consistent with
6 established or desired goals, objectives, and policies, and with long-range or system plans or
7 comprehensive programs where applicable, and that establish measurable intermediate steps
8 toward their accomplishment of the goals, objectives, policies, and/or long-range system plans.

9 (6) Monitoring the planning of specific projects and designing of specific programs of
10 short duration by the operating departments, other agencies of the executive branch, and political
11 subdivisions of the state to insure that these are consistent with and carry out the intent of
12 applicable strategic plans.

13 (7) Reviewing the execution of strategic plans and the results obtained and making
14 revisions necessary to achieve established goals.

15 (d) State guide plan. - Components of strategic plans prepared and adopted in accordance
16 with this section may be designated as elements of the state guide plan. The state guide plan shall
17 be comprised of functional elements or plans dealing with land use; physical development and
18 environmental concerns; economic development; housing production; energy supply, including
19 the development of renewable energy resources in Rhode Island, and energy access, use, and
20 conservation; human services; and other factors necessary to accomplish the objective of this
21 section. The state guide plan shall be a means for centralizing, integrating, and monitoring long-
22 range goals, policies, plans, and implementation activities related thereto. State agencies
23 concerned with specific subject areas, local governments, and the public shall participate in the
24 state guide planning process, which shall be closely coordinated with the budgeting process.

25 (e) Membership of state planning council. - The state planning council shall consist of:

26 (1) The director of the department of administration as chairperson;

27 (2) The director, policy office, in the office of the governor, as vice-chairperson;

28 (3) The governor, or his or her designee;

29 (4) The budget officer;

30 (5) The chairperson of the housing resources commission;

31 (6) The chief of statewide planning, as secretary;

32 (7) The president of the League of Cities and Towns or his or her designee and one
33 official of local government, who shall be appointed by the governor from a list of not less than
34 three (3) submitted by the Rhode Island League Cities and Towns; and

- 1 (8) The executive director of the League of Cities and Towns;
 - 2 (9) One representative of a nonprofit community development or housing organization;
 - 3 (10) Four (4) public members, appointed by the governor;
 - 4 (11) Two (2) representatives of a private, nonprofit environmental advocacy
5 organization, both to be appointed by the governor; and
 - 6 (12) The director of planning and development for the city of Providence.
- 7 (f) Powers and duties of state planning council. - The state planning council shall have
8 the following powers and duties:
- 9 (1) To adopt strategic plans as defined in this section and the long-range state guide plan,
10 and to modify and amend any of these, following the procedures for notification and public
11 hearing set forth in section 42-35-3, and to recommend and encourage implementation of these
12 goals to the general assembly, state and federal agencies, and other public and private bodies;
13 approval of strategic plans by the governor;
 - 14 (2) To coordinate the planning and development activities of all state agencies, in
15 accordance with strategic plans prepared and adopted as provided for by this section;
 - 16 (3) To review and comment on the proposed annual work program of the statewide
17 planning program;
 - 18 (4) To adopt rules and standards and issue orders concerning any matters within its
19 jurisdiction as established by this section and amendments to it;
 - 20 (5) To establish advisory committees and appoint members thereto representing diverse
21 interests and viewpoints as required in the state planning process and in the preparation or
22 implementation of strategic plans. The state planning council shall appoint a permanent
23 committee comprised of:
 - 24 (i) Public members from different geographic areas of the state representing diverse
25 interests, and
 - 26 (ii) Officials of state, local and federal government, which shall review all proposed
27 elements of the state guide plan, or amendment or repeal of any element of the plan, and shall
28 advise the state planning council thereon before the council acts on any such proposal. This
29 committee shall also advise the state planning council on any other matter referred to it by the
30 council; and
 - 31 (6) To establish and appoint members to an executive committee consisting of major
32 participants of a Rhode Island geographic information system with oversight responsibility for its
33 activities.
 - 34 (7) To adopt on or before July 1, 2007, and to amend and maintain as an element of the

1 state guide plan or as an amendment to an existing element of the state guide plan, standards and
2 guidelines for the location of eligible renewable energy resources and renewable energy facilities
3 in Rhode Island with due consideration for the location of such resources and facilities in
4 commercial and industrial areas, agricultural areas, areas occupied by public and private
5 institutions, and property of the state and its agencies and corporations, provided such areas are of
6 sufficient size, and in other areas of the state as appropriate.

7 (g) Division of planning. - (1) The division of planning shall be the principal staff agency
8 of the state planning council for preparing and/or coordinating strategic plans for the
9 comprehensive management of the state's human, economic, and physical resources. The division
10 of planning shall recommend to the state planning council specific guidelines, standards, and
11 programs to be adopted to implement strategic planning and the state guide plan and shall
12 undertake any other duties established by this section and amendments thereto.

13 (2) The division of planning shall maintain records (which shall consist of files of
14 complete copies) of all plans, recommendations, rules, and modifications or amendments thereto
15 adopted or issued by the state planning council under this section. The records shall be open to
16 the public.

17 (3) The division of planning shall manage and administer the Rhode Island geographic
18 information system of land-related resources, and shall coordinate these efforts with other state
19 departments and agencies, including the University of Rhode Island, which shall provide
20 technical support and assistance in the development and maintenance of the system and its
21 associated data base.

22 (4) The division of planning shall coordinate and oversee the provision of technical
23 assistance to political subdivisions of the state in preparing and implementing plans to accomplish
24 the purposes, goals, objectives, policies, and/or standards of applicable elements of the state guide
25 plan and shall make available to cities and towns data and guidelines that may be used in
26 preparing comprehensive plans and elements thereof and in evaluating comprehensive plans and
27 elements thereby.

28 (h) Transfer determinations. - (1) The director of administration, with the approval of the
29 governor, shall make the conclusive determination of the number of positions, personnel, physical
30 space, property, records, and appropriation balances, allocations and other funds of the
31 department of mental health, retardation, and hospitals, department of health, department of
32 human services, department of corrections, department of labor and training, department of
33 environmental management, department of business regulation, department of transportation,
34 department of state library services, Rhode Island Economic Development Corporation,

1 department of elderly affairs, department of children, youth, and families, historical preservation
2 commission, water resources board, and the defense civil preparedness/emergency management
3 agency of the executive department to be transferred to the department of administration in
4 connection with the functions transferred there into by the provisions of this article.

5 (2) In order to ensure continuity of the strategic planning process of the department
6 specified heretofore, the actual transfer of functions or any part thereof to the department of
7 administration may be postponed after July 1, 1985 until such time as, by executive order of the
8 governor, the transfer herein provided can be put into force and effect but no later than December
9 31, 1985.

10 (i) The division of planning shall be the principal staff agency of the water resources
11 board established pursuant to chapter 46-15 ("Water Resources Board") and the water resources
12 board corporate established pursuant to chapter 46-15.1 ("Water Supply Facilities").

13 SECTION 9. Chapter 42-11 of the General Laws entitled "Department of
14 Administration" is hereby amended by adding thereto the following section:

15 **42-11-10.1. Transfer of powers, functions and resources from the water resources**
16 **board. -- (a) There are hereby transferred to the division of planning within the department of**
17 **administration those powers and duties formerly administered by the employees of the water**
18 **resources board as provided for in chapter 46-15 ("Water Resources Board") through 46-15.8**
19 **("Water Use and Efficiency Act"), inclusive, and any other applicable provisions of the general**
20 **laws; provided, however, the governor shall submit to the 2012 assembly any recommended**
21 **statutory changes necessary to facilitate the merger.**

22 (b) All resources of the water resources board, including, but not limited to, property,
23 employees and accounts, are hereby transferred to the division of planning.

24 (c) As part of the above transfer, except for the general manager, all employees of the
25 water resources board currently subject to the provisions of chapter 4 of title 36 shall continue to
26 be subject to those provisions.

27 SECTION 10. The title of Chapter 46-15 of the General Laws entitled "WATER
28 RESOURCES BOARD" is hereby amended to read as follows:

29 ~~CHAPTER 46-15~~

30 ~~Water Resources Board~~

31 CHAPTER 46-15

32 WATER RESOURCES MANAGEMENT

33 SECTION 11. Section 46-15-6.1 of the General Laws in Chapter 46-15 entitled "Water
34 Resources Board" is hereby repealed.

1 ~~**46-15-6.1. Assistants and employees and support provided.** -- The board shall appoint~~
2 ~~a general manager, who shall not be subject to the provisions of chapter 4 of title 36; and shall set~~
3 ~~his or her compensation and terms of employment. The general manager shall appoint such~~
4 ~~subordinates, assistants, and employees as may be required for the proper performance of the~~
5 ~~powers and duties of the board. All those subordinates, assistants, and employees shall be subject~~
6 ~~to the provisions of chapter 4 of title 36.~~

7 SECTION 12. Notwithstanding any provisions of the general laws, the low-income home
8 energy assistance program and the weatherization assistance program are hereby transferred from
9 the state energy office within the department of administration to the department of human
10 services, effective July 1, 2012.

11 SECTION 13. The general assembly hereby directs the auditor general to chair, identify
12 and convene a task force of state and local officials to develop and implement a strategic plan to
13 inventory, evaluate and coordinate programs charged with preventing and detecting fraud, waste,
14 abuse and mismanagement of public funds. Said strategic plan shall address the goal of
15 maximizing existing resources to identify and/or prevent fraud, waste, abuse and mismanagement
16 of public funds. The strategic plan shall inventory the state's various fraud detection units,
17 programs and resources, provide a clear definition of roles and responsibilities, and develop
18 measures of success with an appropriate timetable to measure progress.

19 Public funds shall include, but not be limited to, federal, state and local expenditures
20 relating to any an all state programs and operations by agencies, bureaus, divisions, sections,
21 departments, offices, commissions, institutions and activities of the State of Rhode Island,
22 including those districts, authorities, or political subdivisions created by the general assembly, the
23 governor, and any court, including any city or town within the State of Rhode Island.

24 The auditor general is directed to report the findings and recommendations contained in
25 the strategic plan no later than December 1, 2011, with copies to the speaker of the house, senate
26 president, chairs of the house and senate finance committees and their respective fiscal advisors.

27 All departments and agencies of the state shall furnish such advice and information,
28 documentary or otherwise to the auditor general and his or her agents as is deemed necessary or
29 desirable by the auditor general to facilitate the purposes of the task force.

30 SECTION 14. Section 42-17.1-17 of the General Laws in Chapter 42-17.1 entitled
31 "Department of Environmental Management" is hereby amended to read as follows:

32 **42-17.1-17. Transfer of powers and functions from department of environmental**
33 **management.** -- (a) There are hereby transferred to the department of administration:

34 (1) Those functions of the department of environmental management which were

1 administered through or with respect to departmental programs in the performance of strategic
2 planning as defined in section 42-11-10(c);

3 (2) All officers, employees, agencies, advisory councils, committees, commissions, and
4 task forces of the department of environmental management who were performing strategic
5 planning functions as defined in section 42-11-10(c); and

6 (3) So much of other functions or parts of functions and employees and resources,
7 physical and funded, related thereto of the director of environmental management as are
8 incidental to and necessary for the performance of the functions transferred by subdivisions (1)
9 and (2).

10 (b) There are hereby transferred to the department of public safety dispatch functions of
11 the division of enforcement of the department of environmental management.

12 (c) In order that there is no interruption in the dispatch functions of the division of
13 enforcement, the actual transfer of the dispatch functions, corresponding resources, and personnel
14 to the department of public safety, may be postponed until such time, as determined by the
15 director of public safety, that the transfer provided herein may be best put into force and effect,
16 but shall occur no later than January 1, 2012 and shall be reflected in the FY 2012 supplemental
17 budget submission.

18 SECTION 15. Chapter 16-59 of the General Laws entitled "Board of Governors for
19 Higher Education" is hereby amended by adding thereto the following section:

20 **16-59-4.1. Administration of higher education.** -- The director of the department of
21 administration is hereby directed to conduct research and analysis to recommend a revised plan
22 for the organizational structure for higher education governance, staff support and resource
23 allocation in Rhode Island. This plan shall address the goal of improving affordability and
24 accessibility to public higher education; and maximizing efficiencies while providing sufficient
25 support to the governance structure of public higher education. The director of the department of
26 administration is directed to report findings, recommendations and alternative designs to the
27 general assembly no later than November 1, 2011 with copies to the speaker of the house, senate
28 president, chairs of the house and senate finance committees and their respective fiscal advisors.

29 The report shall include a strategic plan that outlines the mission, goals, and the estimated
30 cost and timelines to implement said recommendations. The report shall provide a clear definition
31 of roles and responsibilities, including those responsible for implementing the proposed
32 recommendations. The analysis shall develop measures of success, and an appropriate timeline to
33 measure implementation progress. It shall also include:

34 (1) An examination of the various organizational structures in other states, evaluating

1 their strengths and weaknesses, and how they may or may not be applicable in Rhode Island. This
2 should include an evaluation of the best practices regarding organizational structures for higher
3 education.

4 (2) An analysis of what functions could be allocated to other institutions, and which
5 might be centralized to translate into efficiencies and more effective higher education policy. This
6 should include, but not be limited to, strategies to reorganize and or centralize finance,
7 purchasing, human resources, information technology, and facilities management within an office
8 of higher education, with specific direction on the allocation of resources, staff and
9 responsibilities.

10 The report should explore the feasibility of permanently allocating all operational
11 activities and other responsibilities currently held within the office of higher education to the
12 three (3) higher education institutions or other viable alternatives while maintaining the board of
13 governors.

14 All departments and agencies of the state shall furnish such advice and information,
15 documentary or otherwise to the director of the department of administration and its agents as is
16 deemed necessary or desirable to facilitate the purposes of the study.

17 SECTION 16. Section 42-11-21 of the General Laws in Chapter 42-11 entitled
18 "Department of Administration" is hereby repealed.

19 ~~**42-11-21. Division of sheriffs.** --- (a) Division established.--- A division of sheriffs is~~
20 ~~hereby established within the department of administration. This division shall be responsible for~~
21 ~~statewide activities assigned by law which relate to the duties and functions of the sheriffs of the~~
22 ~~several counties. The division also shall be responsible for all statewide activities assigned by law~~
23 ~~which relate to the duties and functions of state marshals. Among its other responsibilities, the~~
24 ~~division shall also be responsible for courtroom security and cellblocks in all state courthouses,~~
25 ~~training of personnel, transportation of individuals charged with crimes, and special operations.~~

26 ~~(b) Powers and duties.~~

27 ~~(1) The division of sheriffs shall have the following powers and duties:~~

28 ~~(i) To provide and maintain security for judges at all state courts;~~

29 ~~(ii) To provide and maintain security in all courtrooms and other public areas within~~
30 ~~state courthouses;~~

31 ~~(iii) To provide and maintain security in the cellblocks in all state courts, and exercise all~~
32 ~~powers as required and prescribed in all other provisions of the general laws and public laws~~
33 ~~relating to the powers and duties of sheriffs.~~

34 ~~(2) The division of sheriffs shall also have the following powers and duties previously~~

1 ~~performed by the Rhode Island marshals:~~

2 ~~-(i) To be responsible for transportation statewide of prisoners to and from police~~
3 ~~departments, the adult correctional institutions, all courthouses, and other places of detention;~~

4 ~~-(ii) To transport persons arrested by state and local police departments to places of~~
5 ~~detention; provided, however, nothing in this subsection shall prevent state and local police~~
6 ~~departments from transporting those persons;~~

7 ~~-(iii) To supervise the conduct of and maintain order and discipline of the prisoners in~~
8 ~~their custody;~~

9 ~~-(iv) To be responsible for the custody and safety of prisoners while being transported to~~
10 ~~and from court sessions, places of detention, and outside hospitals prior to commitment to the~~
11 ~~adult correctional institutions;~~

12 ~~-(v) To be responsible for the custody and security of prisoners detained in the cellblock~~
13 ~~areas in the Kent County courthouse and Providence County superior courthouse and for the~~
14 ~~security of these prisoners during the hearing of their cases, and while in outside hospitals prior to~~
15 ~~commitment to the adult correctional institutions;~~

16 ~~-(vi) To be responsible for the safety and welfare of prisoners in their custody;~~

17 ~~-(vii) To provide all security in connection with transportation in the execution of~~
18 ~~extraditions, including, but not limited to, warrants, IAD (Interstate Agreement on Detainers),~~
19 ~~arrest affidavits, interstate compact extradition, and criminal detainers; and~~

20 ~~-(viii) To carry firearms as prescribed.~~

21 ~~-(c) Administration and organization.—The director of the department of administration~~
22 ~~shall appoint with the consent of the governor an administrator, an executive high sheriff, and~~
23 ~~sheriffs and chief deputy sheriffs for the division of sheriffs, each to be appointed to a ten (10)~~
24 ~~year term. The sheriffs and chief deputy sheriffs shall be appointed to each of the counties. The~~
25 ~~director of the department of administration shall appoint deputy sheriffs and other necessary~~
26 ~~classifications, subject to the appropriation process, to provide assistance in the areas of~~
27 ~~courthouse and cellblock security, transportation of prisoners, staff training and special~~
28 ~~operations. Special operations include, but shall not be limited to, transportation of high risk~~
29 ~~inmates, extraditions, the execution of criminal warrants, prosecution and mutual aid to the police~~
30 ~~departments of the cities and towns. This special operations unit initially will be comprised of~~
31 ~~personnel transferred from the Rhode Island state marshals. All employees in the division of~~
32 ~~sheriffs shall be in the unclassified service.~~

33 ~~-(d) Transfer determinations.~~

34 ~~-(1) The director of administration, with the approval of the governor, subject to the~~

1 ~~appropriation process, shall make the determination of the number of positions, personnel,~~
2 ~~property, allocations and other funds of the sheriffs of the several counties and the department of~~
3 ~~corrections which shall be transferred to the department of administration.~~

4 ~~(2) In order to ensure continuity of the functions provided by sheriffs and marshals, the~~
5 ~~actual transfer of functions or any part of those functions may be postponed by the director until~~
6 ~~such time as the director deems appropriate; provided, however, the transfer of functions shall be~~
7 ~~completed within three (3) years.~~

8 SECTION 17. Section 36-4-2 of the General Laws in Chapter 36-4 entitled "Merit
9 System" is hereby amended to read as follows:

10 **36-4-2. Positions in unclassified service.** -- The classified service shall comprise all
11 positions in the state service now existing or hereinafter established, except the following specific
12 positions which with other positions heretofore or hereinafter specifically exempted by legislative
13 act shall constitute the unclassified service:

14 (1) Officers and legislators elected by popular vote and persons appointed to fill
15 vacancies in elective offices.

16 (2) Employees of both houses of the general assembly.

17 (3) Officers, secretaries, and employees of the office of the governor, office of the
18 lieutenant governor, department of state, department of the attorney general, and the treasury
19 department.

20 (4) Members of boards and commissions appointed by the governor, members of the
21 state board of elections and the appointees of the board, members of the commission for human
22 rights and the employees of the commission, and directors of departments.

23 (5) The following specific offices:

24 (i) In the department of administration: director, chief information officer;

25 (ii) In the department of business regulation: director;

26 (iii) In the department of elementary and secondary education: commissioner of
27 elementary and secondary education;

28 (iv) In the department of higher education: commissioner of higher education;

29 (v) In the department of health: director;

30 (vi) In the department of labor and training: director, administrative assistant,
31 administrator of the labor board and legal counsel to the labor board;

32 (vii) In the department of environmental management: director;

33 (viii) In the department of transportation: director;

34 (ix) In the department of human services: director and director of veterans' affairs;

- 1 (x) In the state properties committee: secretary;
- 2 (xi) In the workers' compensation court: judges, administrator, deputy administrator,
3 clerk, assistant clerk, clerk secretary;
- 4 (xii) In the ~~department~~ division of elderly affairs: director;
- 5 (xiii) In the department of mental health, retardation, and hospitals: director;
- 6 (xiv) In the department of corrections: director, assistant director
7 (institutions/operations), assistant director (rehabilitative services), assistant director
8 (administration), and wardens;
- 9 (xv) In the department of children, youth and families: director, one assistant director,
10 one associate director, and one executive director;
- 11 (xvi) In the public utilities commission: public utilities administrator;
- 12 (xvii) In the water resources board: general manager;
- 13 (xviii) In the human resources investment council: executive director.
- 14 (xix) In the office of health and human services: secretary of health and human services.
- 15 (6) Chief of the hoisting engineers, licensing division, and his or her employees;
16 executive director of the veterans memorial building and his or her clerical employees.
- 17 (7) One confidential stenographic secretary for each director of a department and each
18 board and commission appointed by the governor.
- 19 (8) Special counsel, special prosecutors, regular and special assistants appointed by the
20 attorney general, the public defender and employees of his or her office, and members of the
21 Rhode Island bar occupying a position in the state service as legal counsel to any appointing
22 authority.
- 23 (9) The academic and/or commercial teaching staffs of all state institution schools, with
24 the exception of those institutions under the jurisdiction of the board of regents for elementary
25 and secondary education and the board of governors for higher education.
- 26 (10) Members of the military or naval forces, when entering or while engaged in the
27 military or naval service.
- 28 (11) Judges, referees, receivers, clerks, assistant clerks, and clerical assistants of the
29 supreme, superior, family, and district courts, the traffic tribunal, security officers of the traffic
30 tribunal, jurors and any persons appointed by any court.
- 31 (12) Election officials and employees.
- 32 (13) ~~Administrator, executive high sheriff, sheriffs, chief deputy sheriffs, deputy sheriffs,~~
33 ~~and other employees of the sheriff's division within the department of administration and security~~
34 ~~officers of the traffic tribunal~~ Executive high sheriff, chief deputy sheriff, sheriffs, deputy

1 [sheriffs, and other employees of the sheriffs division within the department of public safety.](#)

2 (14) Patient or inmate help in state charitable, penal, and correctional institutions and
3 religious instructors of these institutions and student nurses in training, residents in psychiatry in
4 training, and clinical clerks in temporary training at the institute of mental health within the state
5 of Rhode Island medical center.

6 (15) (i) Persons employed to make or conduct a temporary and special inquiry,
7 investigation, project or examination on behalf of the legislature or a committee therefor, or on
8 behalf of any other agency of the state if the inclusion of these persons in the unclassified service
9 is approved by the personnel administrator. The personnel administrator shall notify the house
10 fiscal advisor and the senate fiscal advisor whenever he or she approves the inclusion of a person
11 in the unclassified service.

12 (ii) The duration of the appointment of a person, other than the persons enumerated in
13 this section, shall not exceed ninety (90) days or until presented to the department of
14 administration. The department of administration may extend the appointment another ninety (90)
15 days. In no event shall the appointment extend beyond one hundred eighty (180) days.

16 (16) Members of the division of state police within the department of public safety.

17 (17) Executive secretary of the Blackstone Valley district commission.

18 (18) Artist and curator of state owned art objects.

19 (19) Mental health advocate.

20 (20) Child advocate.

21 (21) The position of aquaculture coordinator and marine infrastructure specialist within
22 the coastal resources management council.

23 (22) Employees of the office of the health insurance commissioner.

24 (23) In the department of revenue: the director, secretary, attorney.

25 (24) In the department of public safety: the director.

26 SECTION 18. Section 42-7.3-3 of the General Laws in Chapter 42-7.3 entitled
27 "Department of Public Safety" is hereby amended to read as follows:

28 **42-7.3-3. Powers and duties of the department.** -- The department of public safety shall
29 be responsible for the management and administration of the following divisions and agencies:

30 (a) Office of the capitol police (chapter 2.2 of title 12).

31 (b) State fire marshal (chapter 28.2 of title 23).

32 (c) E-911 emergency telephone system division (chapter 28.2 of title 39).

33 (d) Rhode Island state police (chapter 28 of title 39).

34 (e) Municipal police training academy (chapter 28.2 of title 42).

1 (f) Division of sheriffs (chapter 7.3 of title 42).

2 SECTION 19. Chapter 42-7.3 of the General Laws entitled "Department of Public
3 Safety" is hereby amended by adding thereto the following section:

4 **42-7.3-3.2. Division of sheriffs. -- (a) Division established. A division of sheriffs is**
5 **hereby established within the department of public safety. This division shall be responsible for**
6 **statewide activities assigned by law which relate to the duties and functions of the sheriffs of the**
7 **several counties. The division also shall be responsible for all statewide activities assigned by law**
8 **which relate to the duties and functions of state marshals. Among its other responsibilities, the**
9 **division shall also be responsible for courtroom security and cellblocks in all state courthouses,**
10 **training of personnel, transportation of individuals charged with crimes, and special operations.**

11 (b) Powers and Duties. (1) The division of sheriffs shall have the following powers and
12 duties:

13 (i) To provide and maintain security for judges at all state courts;

14 (ii) To provide and maintain security in all courtrooms and other public areas within state
15 courthouses;

16 (iii) To provide and maintain security in the cellblocks in all state courts, and exercise all
17 powers as required and prescribed in all other provisions of the general laws and public laws
18 relating to the powers and duties of sheriffs.

19 (2) The division of sheriffs shall also have the following powers and duties previously
20 performed by the Rhode Island marshals:

21 (i) To be responsible for transportation statewide of prisoners to and from police
22 departments, the adult correctional institutions, all courthouses, and other places of detention;

23 (ii) To transport persons arrested by state and local police departments to places of
24 detention; provided, however, nothing in this subsection shall prevent state and local police
25 departments from transporting those persons;

26 (iii) To supervise the conduct of and maintain order and discipline of the prisoners in
27 their custody;

28 (iv) To be responsible for the custody and safety of prisoners while being transported to
29 and from court sessions, places of detention, and outside hospitals prior to commitment to the
30 adult correctional institutions;

31 (v) To be responsible for the custody and security of prisoners detained in the cellblock
32 areas in the Kent County courthouse and Providence County superior courthouse and for the
33 security of these prisoners during the hearing of their cases, and while in outside hospitals prior to
34 commitment to the adult correctional institutions;

- 1 (vi) To be responsible for the safety and welfare of prisoners in their custody;
2 (vii) To provide all security in connection with transportation in the execution of
3 extraditions, including, but not limited to, warrants, IAD (Interstate Agreement on Detainers),
4 arrest affidavits, interstate compact extradition, and criminal detainers; and
5 (viii) To carry firearms as prescribed.

6 (c) Administration and organization. (1) The director of the department of public safety
7 shall appoint, with the consent of the governor, an executive high sheriff. (2) The director of the
8 department of public safety shall appoint deputy sheriffs and other necessary classifications,
9 subject to the appropriation process, to provide assistance in the areas of courthouse and cellblock
10 security, transportation of prisoners, staff training and special operations. All employees in the
11 division of sheriffs shall be in the unclassified service.

12 SECTION 20. Section 42-29-1 of the General Laws in Chapter 42-29 entitled "Sheriffs"
13 is hereby amended to read as follows:

14 **42-29-1. Appointment -- Powers and duties -- Removal.** -- (a) ~~The director of the~~
15 ~~department of administration shall appoint with the consent of the governor an administrator to a~~
16 ~~ten (10) year term to be in charge of the division of sheriffs within the department of~~
17 ~~administration.~~ The director of the department of ~~administration~~ public safety shall ~~also~~ appoint,
18 with the consent of the governor, an executive high sheriff to a ten (10) year term, ~~to assist the~~
19 ~~administrator.~~ The director of the department of ~~administration~~ public safety shall also appoint to
20 each of the counties with the consent of the governor the sheriffs and the chief deputy sheriffs to
21 ten (10) year terms. The director of the department of ~~administration~~ public safety shall appoint
22 deputy sheriffs and other necessary classifications, subject to the appropriations process. Sheriffs,
23 chief deputy sheriffs, ~~and~~ deputy sheriffs, and other employees of the sheriff's division shall be
24 subject to the supervision of the ~~administrator~~ executive high sheriff who may assign tasks and
25 functions in order to ensure the proper management of the sheriffs division. Any deputy sheriff
26 hired after July 1, 2001 must successfully complete the sheriff academy and any courses deemed
27 necessary at the municipal police training academy prior to assuming the duties of a deputy
28 sheriff. Furthermore, the ~~administrator~~ executive high sheriff in conjunction with the personnel
29 administrator shall be responsible for promulgating written class specifications with necessary
30 minimum qualifications defined in them. The sheriffs of the several counties ~~and the deputy high~~
31 ~~sheriff for Providence county~~ who are in office as of February 1, 2001 shall continue to hold
32 office until their present term expires. Sheriffs and deputies can be removed for just cause by
33 their appointing authority.

34 (b) The ~~administrator, assisted by the~~ executive high sheriff, the sheriffs, the chief

1 deputy sheriffs, and the deputy sheriffs shall perform all the duties required and exercise all the
2 powers prescribed in this chapter; chapter 15 of title 5; chapters 5 and 10 of title 9; chapters 5, 10
3 and 14 of title 10; chapters 8, 31, 34, 36 and 44 of title 11; chapters 4, 5 and 6 of title 12; chapter
4 22 of title 17; chapters 4 and 6 of title 22; chapter 2 of title 28; chapter 6 of title 35; chapter 8 of
5 title 37; and all other provisions of the general laws and public laws insofar as those powers and
6 duties relate to the sheriffs of the several counties and as required and prescribed in all other
7 provisions of the general laws and public laws relating to the powers and duties of the sheriffs of
8 the several counties. ~~Sheriffs and deputies can be removed for just cause by their appointing~~
9 ~~authority.~~

10 (c) All resources of the sheriffs ~~and of the several counties~~ shall be transferred to the
11 division of sheriffs within the department of ~~administration~~ public safety. These resources
12 include, but are not limited to, all positions, property, accounts and other funding pertinent to
13 sheriffs.

14 SECTION 21. Any proceeding or other business or matter undertaken or commenced,
15 prior to the effective date of this article, by a department, division, or other administrative agency,
16 the functions, powers, and duties whereof are assigned and transferred to the department of public
17 safety and are pending on the effective date of this act, may be conducted and completed by the
18 director of the department of public safety, or by a subordinate under this direction, in the same
19 manner and under the same terms and conditions and with the same effect as though it were
20 undertaken or commenced or completed by the department, division, or other administrative
21 agency prior to said transfer.

22 SECTION 22. In order that there is no interruption in the public safety functions of the
23 division of sheriffs, the actual transfer of functions to the department of public safety, from any
24 existing departments, divisions, or agencies, may be postponed until after the effective date of
25 this article and until such time, as determined by director of public safety, that the transfer
26 provided herein may best be put into force and effect.

27 SECTION 23. Section 40.1-21-4.3 of the General Laws in Chapter 40.1-21 entitled
28 "Division of Developmental Disabilities" is hereby amended to read as follows:

29 **40.1-21-4.3. Definitions.** -- As used in this chapter and in chapter 22 of this title the
30 words:

31 (1) "Ancillary services" means those services provided, and shall include, but not be
32 limited to, transportation, housing, housing adaptation, personal attendant care, and homemaker
33 services.

34 (2) "Case management" means the implementation of an individual's program by

1 providing information, by referral to appropriate service providers, by procurement of services,
2 and by the coordination of the necessary services.

3 (3) "Department" means the Rhode Island department of mental health, retardation, and
4 hospitals.

5 (4) "Developmental services" means those services provided to developmentally
6 disabled adults, and shall include, but not be limited to, habilitation and rehabilitation services,
7 and day services.

8 (5) "Developmentally disabled adult" means a person, eighteen (18) years old or older
9 and not under the jurisdiction of the department of children, youth, and families who is either a
10 mentally retarded developmentally disabled adult or is a person with a severe, chronic disability
11 which:

12 (i) Is attributable to a mental or physical impairment or combination of mental and
13 physical impairments;

14 (ii) Is manifested before the person attains age twenty-two (22);

15 (iii) Is likely to continue indefinitely;

16 (iv) Results in substantial functional limitations in three (3) or more of the following
17 areas of major life activity:

18 (A) Self care,

19 (B) Receptive and expressive language,

20 (C) Learning,

21 (D) Mobility,

22 (E) Self-direction,

23 (F) Capacity for independent living,

24 (G) Economic self-sufficiency; and

25 (v) Reflects the person's need for a combination and sequence of special,
26 interdisciplinary, or generic care, treatment, or other services, which are of lifelong or extended
27 duration and are individually planned and coordinated. For purposes of funding, it is understood
28 that students enrolled in school will continue to receive education from their local education
29 authority in accordance with § 16-24-1 et seq.

30 (6) "Diagnosis and evaluation" means a process to determine whether and to what
31 extent an individual is developmentally disabled and a study of the individual's condition,
32 situation, and needs which lead to a recommendation of what services, if any, would benefit the
33 individual.

34 (7) "Individualized program plan" or "general service plan" means a plan, however

1 named, which includes, but shall not be limited to, the following:

2 (i) An evaluation of the strengths, difficulties, needs, and goals of the individual;

3 (ii) A description of those services found to be necessary or appropriate to assist the
4 individual in realizing his or her potential for self-sufficiency in major life activities;

5 (iii) A description of the agencies and/or individuals, which are proposed to provide
6 each of the recommended services;

7 (iv) The intermediate and long-range objectives for the individual's development and
8 habilitation;

9 (v) The expected duration for the provision of the services;

10 (vi) A description of the tests and other evaluative devices used and their results;

11 (vii) Proposed criteria for monitoring and evaluating the success of the services in
12 meeting the individual's needs; and

13 (viii) The signatures of the preparers of the plan and the date.

14 The individual program plan shall indicate developmental, supportive, or ancillary
15 services by function and frequency, the manner of subsidy and delivery and the categories of need
16 for services such as transportation, job training, or occupation, housing, housing adaptation,
17 personal attendant care, homemaker, or other services. This plan shall be reviewed at least
18 annually; provided, however, that authorizations for services and funding issued prior to July 1,
19 2011 are null and void. Authorizations will be paid at the rate effective in the quarter the service
20 was provided.

21 (8) "Mentally retarded developmentally disabled adult" means a person eighteen (18)
22 years old or older and not under the jurisdiction of the department of children, youth, and
23 families, with significant sub-average, general intellectual functioning two (2) standard deviations
24 below the norm, existing concurrently with deficits in adaptive behavior and manifested during
25 the developmental period. For purposes of funding, it is understood that students enrolled in
26 school will continue to receive education from their local education authority in accordance with
27 § 16-24-1 et seq.

28 (9) "Service broker" means that individual who assists in facilitating the connection
29 between the developmentally disabled person and the services required by the individual program
30 plan.

31 (10) "Subsidized access to service" means the provisions of financial resources through
32 vouchers to a developmentally disabled person to enable the person to gain access to appropriate
33 generic and/or special services as required by the individual program plan.

34 (11) "Supportive services" means those services provided to developmentally disabled

1 adults, and shall include, but not be limited to, occupational therapy, physical therapy,
2 psychological services, counseling, nursing services, and medical services.

3 SECTION 24. Section 40.1-26-2 of the General Laws in Chapter 40.1-26 entitled "Rights
4 for Persons with Developmental Disabilities" is hereby amended to read as follows:

5 **40.1-26-2. Definitions.** -- As used in this chapter:

6 (1) "Advocate" means: (i) a legal guardian; or (ii) an individual acting on behalf of a
7 person with a developmental disability in a manner clearly consistent with the interests of the
8 person with a developmental disability and includes a family member, friend, or professional
9 advocate. Whenever possible an advocate should be selected by the person with a disability.

10 (2) "Agency" means any person or organization which provides day program services,
11 residential services, support services or advocacy services for persons with developmental
12 disabilities, and which is licensed by the department of mental health, retardation, and hospitals
13 pursuant to section 40.1-24-1 et seq.

14 (3) "Applicant" means any person with a developmental disability who has applied for
15 services from the division of developmental disabilities and/or any agency licensed by the
16 department of mental health, retardation, and hospitals pursuant to section 40.1-24-1 et seq.

17 (4) "Aversive interventions" means a class of stimuli that are followed by escape or
18 avoidance response.

19 (5) "Behavioral Treatment Intervention" means any intervention or treatment to develop
20 or strengthen adaptive appropriate behaviors through the application of behavioral interventions
21 and to simultaneously reduce the frequency of maladaptive or inappropriate behaviors. Behavior
22 interventions encompass interventions, which refer to purposeful, clinical manipulation of
23 behavior.

24 (6) "Competent" means the ability to understand the likely risks and benefits of a
25 procedure or plan when the risks and benefits are presented to the participant in a manner most
26 likely to be understood by the participant in light of his or her cognitive abilities and learning
27 style.

28 (7) "Department" means the department of mental health, retardation, and hospitals.

29 (8) "Developmental disability" means a severe chronic disability which is attributable to
30 a mental or physical impairment or combination of impairments; is manifested before the person
31 attains age twenty-two (22); is likely to continue indefinitely; results in substantial functional
32 limitations in three (3) or more of the following areas of major life activity: self-care, receptive
33 and expressive language, learning, mobility, self-direction, capacity for independent living,
34 economic self-sufficiency; and reflects the person's need for a combination and sequence of

1 special, interdisciplinary or generic care, treatment, or other services which are of life long or
2 extended duration and are individually planned and coordinated.

3 (9) "Individualized plan" means the personalized document which describes an
4 individualized profile of the participant highlighting his or her capabilities, preferences and
5 interests. The plan describes specific supports in the areas of vocational, social, medical,
6 supported living, and rehabilitation required to meet the specific needs of the participant. The
7 plan includes quality indicators that demonstrate the plan has met the expectations of the
8 participant and the participant is satisfied with the support services he or she is receiving;
9 provided, however, that authorizations for services and funding issued prior to July 1, 2011 are
10 null and void. Authorizations for services will be paid at the rate effective when in the quarter the
11 service was provided.

12 (10) "Participant" means any person eighteen (18) years or older, with a developmental
13 disability who receives services from the division of developmental disabilities and/or an agency
14 licensed by the department of mental health, retardation, and hospitals.

15 (11) "Relative" means a member of the participant's or applicant's family who has been
16 actively involved in the participant's or applicant's life, has an ongoing relationship with the
17 participant or applicant, and is supportive in a manner clearly consistent with the best interests of
18 the participant or applicant.

19 (12) "Seclusion" means placing a participant alone in a locked room without supervision.

20 (13) "Serious incidents" means any situation involving a person with developmental
21 disabilities in which the person:

22 (i) Has sustained an injury, which requires medical care or treatment beyond routine first
23 aid;

24 (ii) Has been missing;

25 (iii) Has died;

26 (iv) Has been involved in a criminal act;

27 (v) Has been subject to a medication error.

28 SECTION 25. Sections 1 through 13 shall take effect on July 1, 2011. Section 14 shall
29 take effect on January 1, 2012. Section 15 shall take effect upon passage. Sections 16 through 22
30 shall take effect on July 1, 2011. Sections 23 and 24 shall take effect upon passage.