

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

A N A C T

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

Introduced By: Senators McKenney, and Seveney

Date Introduced: February 27, 2020

Referred To: Senate Special Legislation and Veterans Affairs

It is enacted by the General Assembly as follows:

1 SECTION 1. Joint Resolution.

2 RESOLVED, That a permanent joint military and veterans' affairs oversight commission
3 be and the same is hereby created consisting of nine (9) members: three (3) of whom shall be
4 members of the Rhode Island Senate, not more than two (2) from the same political party; and one
5 of whom shall be an honorably discharged military service member, all of whom shall be appointed
6 by the President of the Senate; three (3) of whom shall be members of the Rhode Island House of
7 Representatives, not more than two (2) from the same political party; and one of whom shall be an
8 honorably discharged military service member, all of whom shall be appointed by the Speaker of
9 the House of Representatives; and one honorably discharged military service member to be
10 appointed by the Governor.

11 In lieu of any appointment of a member of the legislature to a permanent advisory
12 commission, a legislative study commission, or any commission created by a General Assembly
13 resolution, the appointing authority may appoint a member of the general public to serve in lieu of
14 a legislator, provided that the Senate President, Speaker of the House, or the Minority Leader of
15 the political party that is entitled to the appointment consents to the appointment of the member of
16 the general public.

17 The purpose of the commission shall be to:

18 (1) Oversee all operations of the Rhode Island office of veterans' affairs;

1 (2) Exercise fiscal oversight of the air and army national guard; and

2 (3) Oversee matters related to veteran services, including, but not limited to, operation of
3 the veterans' memorial cemetery and the Rhode Island veterans' home community living center.

4 The commission shall also coordinate and consult with the United States Department of
5 Veterans' Affairs concerning veterans' issues.

6 Forthwith upon passage of this resolution, the Senate President and the Speaker of the
7 House shall appoint co-chairs for the commission, from their respective chambers, and the members
8 of the commission shall meet at the call of the Senate President and the Speaker of the House.

9 The three (3) public members initially appointed by the President of the Senate, the Speaker
10 of the House of Representatives, and the Governor shall serve four (4), three (3), and two (2) year
11 terms, respectively, and subsequent appointees shall all serve four (4) year terms.

12 Each member of the commission shall serve for the term of their appointment and until
13 their successor has been appointed and qualified. A member of the commission is eligible for
14 reappointment.

15 Vacancies in said commission shall be filled in like manner as the original appointments.

16 A quorum of the commission shall consist of a majority of its membership, and the
17 membership of said commission shall receive no compensation for their services.

18 The commission shall assemble no less than four (4) times, or more often at the call of the
19 co-chairs, upon written notice of each meeting stating the place, day, and time of the meeting, along
20 with the purpose and/or agenda of the meeting.

21 All departments and agencies of the state shall furnish such advice and information,
22 documentary and otherwise, to said commission and its agents as is deemed necessary or desirable
23 by the commission to facilitate the purposes of this resolution.

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

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

28 SECTION 2. Title 42 of the General Laws entitled "State Affairs and Government" is
29 hereby amended by adding thereto the following chapter:

30 CHAPTER 42-160

31 RHODE ISLAND MILITARY AND VETERANS' AFFAIRS OVERSIGHT COMMISSION

32 42-160-1. Short title.

33 This chapter shall be known and may be cited as the "Rhode Island Military and Veterans'
34 Affairs Oversight Commission."

1 **42-160-2. Commission creation, purpose, and authority.**

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

10 (b)(1) The purpose of the commission shall be to:

11 (i) Oversee all operations of the Rhode Island office of veterans' affairs;

12 (ii) Exercise fiscal oversight of the air and army national guard; and

13 (iii) Oversee matters related to veteran services, including, but not limited to, operation of
14 the veterans' memorial cemetery and the Rhode Island veterans' home community living center.

15 (2) The commission shall also coordinate and consult with the United States Department
16 of Veterans' Affairs concerning the commission's oversight of Rhode Island veterans' affairs and
17 issues.

18 (3) The senate president and the speaker of the house shall appoint co-chairs for the
19 commission, from their respective chambers, and the members of the commission shall meet at the
20 call of the senate president and the speaker of the house.

21 (4) The three (3) public members initially appointed by the president of the senate, the
22 speaker of the house of representatives, and the governor shall serve four (4), three (3), and two (2)
23 year terms, respectively, and subsequent appointees shall all serve four (4) year terms. Each
24 member of the commission shall serve for the term of their appointment and until their successor
25 has been appointed and qualified. A member of the commission is eligible for reappointment.

26 (5) Vacancies in said commission shall be filled in like manner as the original appointment.

27 (6) A quorum of the commission shall consist of a majority of its membership, and the
28 membership of said commission shall receive no compensation for their services.

29 (7) The commission shall assemble no less than four (4) times, or more often at the call of
30 the co-chairs, upon written notice of each meeting stating the place, day, and time of the meeting,
31 along with the purpose and/or agenda of the meeting.

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

1 [\(9\) The joint committee on legislative services is hereby authorized and directed to provide](#)
2 [suitable quarters for said commission;](#)

3 [\(10\) The commission shall make findings and recommend initiatives and other actions](#)
4 [deemed necessary to the general assembly and shall report their findings periodically.](#)

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

7 **30-14-2. Federal and state funds.**

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

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

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

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

21 **30-17.1-6. Establishment of the office of veterans' affairs; director.**

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

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

34 (c) Effective July 1, 2019, the office of veterans' affairs, as established pursuant to

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

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

8 **30-17.1-7. Annual report to general assembly.**

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

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

20 **30-24-1. Management and control.**

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

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

29 **30-25-14. Rhode Island veterans' memorial cemetery.**

30 (a) The Rhode Island veterans' memorial cemetery, located on the grounds of the Joseph
31 H. Ladd school in the town of Exeter, shall be under the management and control of the director of
32 the department of human services [with oversight by the Rhode Island military and veterans' affairs
33 oversight commission pursuant to § 42-160-2.](#) The director of the department of human services
34 shall appoint an administrator for the Rhode Island veterans' memorial cemetery who shall be an

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

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

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

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

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

1 This act would create the Rhode Island military and veterans' affairs oversight commission
2 to oversee all operations of the Rhode Island office of veterans' affairs, exercise fiscal oversight of
3 the air and army national guard, and oversee matters relating to veterans' services, including, but
4 not limited to, operation of the veterans' memorial cemetery and the Rhode Island veterans' home
5 community living center.

6 This act would take effect upon passage.

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