

2021 -- H 5177 SUBSTITUTE A

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LC000776/SUB A
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

**RELATING TO MILITARY AFFAIRS AND DEFENSE -- RHODE ISLAND VETERANS'
HOME**

Introduced By: Representatives Azzinaro, Vella-Wilkinson, and Noret

Date Introduced: January 27, 2021

Referred To: House Veterans` Affairs

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 30-24-10 of the General Laws in Chapter 30-24 entitled "Rhode
2 Island Veterans' Home" is hereby amended to read as follows:

3 **30-24-10. Admissible to home -- Fees.**

4 (a)(1) Any person who has served in the army, navy, marine corps, coast guard, or air force
5 of the United States for a period of ~~ninety (90) days or more and that period began or ended during~~
6 ~~any foreign war in which the United States shall have been engaged or in any expedition or~~
7 ~~campaign for which the United States government issues a campaign medal, and who was~~
8 ~~honorably discharged from it~~ not less than two (2) years, and whose service was honorably
9 discharged, any veteran of any conflict or undeclared war who has earned a campaign ribbon or
10 expeditionary medal for service in either a declared or undeclared war as noted on the veterans'
11 DD-214, and any persons who are honorably discharged after completion of at least twenty (20)
12 years of service in the Rhode Island National Guard or a reserve component, and who shall be
13 deemed to be in need of care provided at the Rhode Island veterans' home, may be admitted to that
14 facility subject to such rules and regulations as shall be adopted by the director of ~~human services~~
15 the office of veterans services to govern the admission of applicants to the facility. Any person who
16 has served in the armed forces of the United States designated herein and otherwise qualified, who
17 has served less than the ~~ninety day (90)~~ two (2) year period described in this section, and who was
18 honorably discharged from service, and who, as a result of the service, acquired a service-connected

1 disability or disease, may be admitted. For the purpose of computing services under this section,
2 honorable service in the active forces or reserves shall be considered towards the twenty (20) years.
3 No person shall be admitted to the facility unless the person has been accredited to the enlistment
4 or induction quota of the state or has resided in the state for at least two (2) consecutive years next
5 prior to the date of the application for admission to the facility.

6 (2) One year after passage of this subsection, war veterans, defined as any veteran of any
7 conflict or undeclared war who has earned a campaign ribbon, or expeditionary medal for service
8 in either a declared or undeclared war as noted on the veterans' DD-214, shall be given priority for
9 admission above all other eligible veterans. To the extent that there are veterans unsuccessfully
10 claiming to be war veterans under the definition herein due to the undocumented nature of their
11 service, the director of the office of veterans services is granted the authority to waive the within
12 requirements only if the veteran provides that office with clear and convincing evidence that he or
13 she was a combat veteran. The director shall maintain two (2) separate waiting lists, one for war
14 veterans and one for non-war veterans. No non-war veteran may be admitted until the waiting list
15 of war veterans is depleted. Veterans on the waiting list on the effective date of this subsection shall
16 remain eligible for admission.

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 resident;
21 and provided that an amount equal to twenty percent (20%) of the maintenance fee assessed shall
22 be allocated to, and deposited in, the veterans' restricted account. For the purposes of this section,
23 "net income" is defined as gross income minus applicable federal and state taxes and minus:

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

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

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

34 (c) Admissions to the veterans' home shall be made without discrimination as to race, color,

1 national origin, religion, sex, disability, marital status, age, sexual orientation, gender identity or
2 expression, assets, or income.

3 (d) Laundry services shall be provided to the residents of the Rhode Island veterans' home
4 at no charge to the residents, with such funds to cover the cost of providing laundry services for
5 residents of the Rhode Island veterans' home derived from monies appropriated to the department
6 of human services.

7 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO MILITARY AFFAIRS AND DEFENSE -- RHODE ISLAND VETERANS'
HOME

1 This act would change the service eligibility requirement for a veteran to be granted
2 admission into the Rhode Island Veterans' Home from ninety (90) days to two (2) years, and one
3 year after passage would place veterans who are defined as war veterans on a separate waiting list
4 for admission to the Veterans' Home before non-war veterans.

5 This act would take effect upon passage.

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