

As Introduced

**127th General Assembly
Regular Session
2007-2008**

H. B. No. 167

Representative Dyer

**Cosponsors: Representatives Hagan, R., Ujvagi, Healy, Stewart, D., Distel,
Fende, Letson, Domenick**

—

A B I L L

To establish a program for the transfer and treatment 1
of Ohio members of the Armed Forces who are 2
assigned to the Walter Reed Army Medical Center 3
for the purpose of treatment or rehabilitation and 4
to make an appropriation. 5

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. (A) The Director of Job and Family Services shall 6
establish a program for the transfer and treatment of Ohio members 7
of the Armed Forces who are assigned to the Walter Reed Army 8
Medical Center for the purpose of treatment or rehabilitation. The 9
program shall do both of the following: 10

(1) Offer any Ohio member of the Armed Forces who is assigned 11
to the Walter Reed Army Medical Center for the purpose of 12
treatment or rehabilitation the opportunity to transfer to another 13
hospital or clinic operated by the United States Department of 14
Veterans Affairs or to a suitable rehabilitation facility of the 15
person's choice, subject to approval by the person's applicable 16
military command structure; 17

(2) Pay all costs incurred for the person's transfer and the 18

costs of medical treatment or rehabilitation at the hospital, 19
clinic, or rehabilitation facility to which the person is 20
transferred pursuant to the offer described in division (A)(1) of 21
this section that are not paid by the United States Department of 22
Defense or the United States Department of Veterans Affairs. 23

(B) The Director of Job and Family Services shall adopt rules 24
for the operation of the program established under division (A) of 25
this section. Those rules shall provide for, but are not limited 26
to, all of the following: 27

(1) Coordination with the United States Department of 28
Defense, the United States Department of Veterans Affairs, and the 29
Walter Reed Army Medical Center to make the program available to 30
Ohio members of the Armed Forces who are assigned to the Walter 31
Reed Army Medical Center for treatment or rehabilitation; 32

(2) Payment of costs incurred for the person's facility 33
transfer and medical expenses not otherwise paid by the United 34
States Department of Defense or the United States Department of 35
Veterans Affairs for Ohio members of the Armed Forces who 36
participate in the program; 37

(3) Coordination with the United States Department of 38
Defense, the United States Department of Veterans Affairs, and the 39
facilities to which persons are transferred for the continuing 40
treatment and rehabilitation of those persons following the 41
conclusion of the program. 42

(C) In determining whether a member of the Armed Forces is a 43
resident of Ohio eligible for participation in the program 44
established under division (A) of this section, the Director of 45
Job and Family Services shall be governed by the following rules: 46

(1) A person's residence shall be considered the place in 47
which the person's habitation is fixed and to which, whenever the 48
person is absent, the person has the intention of returning. 49

(2) A person who leaves the person's home and goes into another state for temporary purposes only, and who has the intention of returning, shall not be considered to have lost the person's residence.

(3) A person shall not be considered to have gained a residence in Ohio if the person comes into Ohio for temporary purposes only, without the intention of making Ohio the person's permanent habitation.

(4) If a person removes to another state with the intention of making that state the person's residence, the person shall be considered to have lost the person's residence in Ohio.

(5) Except as otherwise provided in division (C)(6) of this section, if a person removes from Ohio and continuously resides outside Ohio for a period of four years or more, the person shall be considered to have lost the person's residence in Ohio, notwithstanding the fact that the person may entertain an intention to return at some future period.

(6) If a person removes from Ohio to serve in the Armed Forces, the person shall not be considered to have lost the person's residence in Ohio during the period of that service.

(7) If a person goes into another state and, while there, exercises the right of a citizen by voting in an election in that state, the person shall be considered to have lost the person's residence in Ohio.

(D) The program established in division (A) of this section shall be abolished two years after the effective date of this section.

(E) As used in this section:

(1) "Armed Forces" means members of the active duty and reserve components of the United States Army, Navy, Air Force,

Marine Corps, and Coast Guard, and members of the Ohio National 80
Guard. 81

(2) "Suitable rehabilitation facility" means a rehabilitation 82
facility capable of providing treatment for and rehabilitation of 83
the injuries of a particular patient. 84

Section 2. The Director of Job and Family Services shall 85
estimate the costs of a program for the transfer and treatment of 86
Ohio members of the Armed Forces who are assigned to Walter Reed 87
Army Medical Center for the purpose of treatment or rehabilitation 88
in accordance with this act. The Director of Job and Family 89
Services shall certify to the Director of Budget and Management 90
the amount needed to fund the program. The Director of Budget and 91
Management shall transfer cash in the amount certified from the 92
General Revenue Fund to the Armed Forces Treatment Fund, which is 93
hereby created in the state treasury. If, at any time, the 94
Director of Job and Family Services estimates that the 95
appropriation is insufficient to fund the program, the Director of 96
Job and Family Services shall certify to the Director of Budget 97
and Management the additional appropriation authority needed to 98
fund the program. The Director of Budget and Management shall 99
transfer cash in the additional amount certified from the General 100
Revenue Fund to the Armed Forces Treatment Fund. Any amounts 101
transferred under this section are hereby appropriated. 102

Section 3. The uncodified sections of law contained in the 103
act, and the items of law of which the uncodified sections of law 104
contained in this act are composed, are not subject to the 105
referendum. Therefore, under Ohio Constitution, Article II, 106
Section 1d and section 1.471 of the Revised Code, the uncodified 107
sections of law contained in this act, and the items of law of 108
which the uncodified sections of law contained in this act are 109
composed, go into immediate effect when this act becomes law. 110