

As Passed by the House

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

H. B. No. 649

Representative Hottinger

**Cosponsors: Representatives Bacon, Dolan, Flowers, Jones, McGregor, R.,
Schlichter, Stewart, J., Adams, Aslanides, Batchelder, Ciafardini, Collier,
Daniels, Evans, Gibbs, Goodwin, Hagan, J., Hite, Hughes, Peterson,
Reinhard, Schindel, Schneider, Sears, Setzer, Uecker, Wachtmann, White,
Widener, Zehringer**

—

A B I L L

To amend section 5902.02 and to enact sections	1
5902.16 and 5902.161 of the Revised Code to	2
provide compensation to veterans of the Persian	3
Gulf, Afghanistan, and Iraq conflicts.	4

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

Section 1. That section 5902.02 be amended and sections	5
5902.16 and 5902.161 of the Revised Code be enacted to read as	6
follows:	7

Sec. 5902.02. The duties of the director of veterans services	8
shall include the following:	9

(A) Furnishing the veterans service commissions of all	10
counties of the state copies of the state laws, rules, and	11
legislation relating to the operation of the commissions and their	12
offices;	13

(B) Upon application, assisting the general public in	14
---	----

obtaining records of vital statistics pertaining to veterans or 15
their dependents; 16

(C) Adopting rules pursuant to Chapter 119. of the Revised 17
Code pertaining to minimum qualifications for hiring, certifying, 18
and accrediting county veterans service officers, pertaining to 19
their required duties, and pertaining to revocation of the 20
certification of county veterans service officers; 21

(D) Adopting rules pursuant to Chapter 119. of the Revised 22
Code for the education, training, certification, and duties of 23
veterans service commissioners and for the revocation of the 24
certification of a veterans service commissioner; 25

(E) Developing and monitoring programs and agreements 26
enhancing employment and training for veterans in single or 27
multiple county areas; 28

(F) Developing and monitoring programs and agreements to 29
enable county veterans service commissions to address 30
homelessness, indigency, and other veteran-related issues 31
individually or jointly; 32

(G) Developing and monitoring programs and agreements to 33
enable state agencies, individually or jointly, that provide 34
services to veterans, including the veterans' homes operated under 35
Chapter 5907. of the Revised Code and the director of job and 36
family services, to address homelessness, indigency, employment, 37
and other veteran-related issues; 38

(H) Establishing and providing statistical reporting formats 39
and procedures for county veterans service commissions; 40

(I) Publishing annually, promulgating change notices for, and 41
distributing a listing of county veterans service officers, county 42
veterans service commissioners, state directors of veterans 43
affairs, and national and state service officers of accredited 44
veterans organizations and their state headquarters. The listing 45

shall include the expiration dates of commission members' terms of 46
office and the organizations they represent; the names, addresses, 47
and telephone numbers of county veterans service officers and 48
state directors of veterans affairs; and the addresses and 49
telephone numbers of the Ohio offices and headquarters of state 50
and national veterans service organizations. 51

(J) Publishing, by the first day of April of each 52
odd-numbered year, a directory of the laws of this state dealing 53
with veterans, as enacted through the conclusion of the previous 54
session of the general assembly, and distributing the publication 55
to each county veterans service office and the state headquarters 56
of each congressionally chartered veterans organization in the 57
state; 58

(K) Establishing a veterans advisory committee to advise and 59
assist the department of veterans services in its duties. Members 60
shall include a state representative of congressionally chartered 61
veterans organizations referred to in section 5901.02 of the 62
Revised Code, a representative of any other congressionally 63
chartered state veterans organization that has at least one 64
veterans service commissioner in the state, three representatives 65
of the Ohio state association of county veterans service 66
commissioners, who shall have a combined vote of one, three 67
representatives of the state association of county veterans 68
service officers, who shall have a combined vote of one, one 69
representative of the county commissioners association of Ohio, 70
who shall be a county commissioner not from the same county as any 71
of the other county representatives, a representative of the 72
advisory committee on women veterans, a representative of a labor 73
organization, and a representative of the office of the attorney 74
general. The department of veterans services shall submit to the 75
advisory committee proposed rules for the committee's operation. 76
The committee may review and revise these proposed rules prior to 77

submitting them to the joint committee on agency rule review. 78
79

(L) Adopting, with the advice and assistance of the veterans 80
advisory committee, policy and procedural guidelines that the 81
veterans service commissions shall adhere to in the development 82
and implementation of rules, policies, procedures, and guidelines 83
for the administration of Chapter 5901. of the Revised Code. The 84
department of veterans services shall adopt no guidelines or rules 85
regulating the purposes, scope, duration, or amounts of financial 86
assistance provided to applicants pursuant to sections 5901.01 to 87
5901.15 of the Revised Code. The director of veterans services may 88
obtain opinions from the office of the attorney general regarding 89
rules, policies, procedures, and guidelines of the veterans 90
service commissions and may enforce compliance with Chapter 5901. 91
of the Revised Code. 92

(M) Receiving copies of form DD214 filed in accordance with 93
the director's guidelines adopted under division (L) of this 94
section from members of veterans service commissions appointed 95
under section 5901.02 and from county veterans service officers 96
employed under section 5901.07 of the Revised Code; 97

(N) Developing and maintaining and improving a resource, such 98
as a telephone answering point or a web site, by means of which 99
veterans and their dependents, through a single portal, can access 100
multiple sources of information and interaction with regard to the 101
rights of, and the benefits available to, veterans and their 102
dependents. The director of veterans services may enter into 103
agreements with state and federal agencies, with agencies of 104
political subdivisions, with state and local instrumentalities, 105
and with private entities as necessary to make the resource as 106
complete as is possible. 107

(O) Planning, organizing, advertising, and conducting 108
outreach efforts, such as conferences and fairs, at which veterans 109

and their dependents may meet, learn about the organization and 110
operation of the department of veterans services and of veterans 111
service commissions, and obtain information about the rights of, 112
and the benefits and services available to, veterans and their 113
dependents; 114

(P) Advertising, in print, on radio and television, and 115
otherwise, the rights of, and the benefits and services available 116
to, veterans and their dependents; 117

(Q) Developing and advocating improved benefits and services 118
for, and improved delivery of benefits and services to, veterans 119
and their dependents; 120

(R) Searching for, identifying, and reviewing statutory and 121
administrative policies that relate to veterans and their 122
dependents and reporting to the general assembly statutory and 123
administrative policies that should be consolidated in whole or in 124
part within the organization of the department of veterans 125
services to unify funding, delivery, and accounting of statutory 126
and administrative policy expressions that relate particularly to 127
veterans and their dependents; 128

(S) Encouraging veterans service commissions to innovate and 129
otherwise to improve efficiency in delivering benefits and 130
services to veterans and their dependents and to report successful 131
innovations and efficiencies to the director of veterans services; 132

(T) Publishing and encouraging adoption of successful 133
innovations and efficiencies veterans service commissions have 134
achieved in delivering benefits and services to veterans and their 135
dependents; 136

(U) Establishing advisory committees, in addition to the 137
veterans advisory committee established under division (K) of this 138
section, on veterans issues; 139

(V) Developing and maintaining a relationship with the United 140

States department of veterans affairs, seeking optimal federal 141
benefits and services for Ohio veterans and their dependents, and 142
encouraging veterans service commissions to maximize the federal 143
benefits and services to which veterans and their dependents are 144
entitled; 145

(W) Developing and maintaining relationships with the several 146
veterans organizations, encouraging the organizations in their 147
efforts at assisting veterans and their dependents, and advocating 148
for adequate state subsidization of the organizations; 149

(X) Requiring the several veterans organizations that receive 150
funding from the state annually to report to the director of 151
veterans services and prescribing the form and content of the 152
report; 153

(Y) Investigating complaints against county veterans services 154
commissioners and county veterans service officers if the director 155
reasonably believes the investigation to be appropriate and 156
necessary; 157

(Z) Administering the Persian gulf, Afghanistan, and Iraq 158
conflict compensation program established in section 5902.16 of 159
the Revised Code and adopting rules as necessary to implement the 160
program; 161

(AA) Taking any other actions required by this chapter. 162

Sec. 5902.16. (A) As used in this section: 163

"Afghanistan service" means military service within 164
Afghanistan during the period between October 7, 2001, and the 165
date determined by the president or congress of the United States 166
as the end of the involvement of the United States armed forces in 167
Afghanistan. 168

"Domestic service" means service within the territorial 169
limits of the fifty states, excluding sea duty. 170

"Foreign service" means service in locations other than the 171
territorial limits of the fifty states, excluding Persian gulf, 172
Afghanistan, or Iraq service. 173

"Iraq service" means military service within Iraq during the 174
period between March 19, 2003, and the date determined by the 175
president or congress of the United States as the end of the 176
involvement of the United States armed forces in Iraq. 177

"Persian gulf service" means military service within the 178
Persian gulf theater of operations during the period between 179
August 2, 1990, and March 3, 1991. 180

"United States armed forces" includes members of the Ohio 181
national guard serving on active duty. 182

(B) The director of veterans services shall implement and 183
administer the Persian gulf, Afghanistan, and Iraq conflicts 184
compensation program. Under the program, payments shall be made to 185
each person who meets all of the following requirements: 186

(1) The person has served in active duty in the United States 187
armed forces, except active duty for training only, at any time 188
between August 2, 1990, and March 3, 1991, at any time between 189
October 7, 2001, and the date determined by the president or 190
congress of the United States as the end of involvement of the 191
United States armed forces in Afghanistan, or at any time between 192
March 19, 2003, and the date determined by the president or 193
congress of the United States as the end of the involvement of the 194
United States armed forces in Iraq; 195

(2) The person was an Ohio resident for at least one year 196
immediately preceding the start of active duty service and is 197
currently an Ohio resident; 198

(3) The person was separated from the United States armed 199
forces under honorable conditions, is still serving in active duty 200
service, is retired from active duty service, or remains in the 201

Ohio national guard after serving on active duty. 202

(C) A person who meets the requirements of division (B) of 203
this section may apply to receive compensation of fifty dollars 204
for each month of active domestic or foreign service and one 205
hundred dollars for each month of Persian gulf, Afghanistan, or 206
Iraq service during the compensable periods. A person who is 207
medically discharged or medically retired from service due to 208
combat-related disabilities sustained during Persian gulf, 209
Afghanistan, or Iraq service may apply to receive compensation of 210
one thousand dollars. The maximum amount of cash payable to any 211
person in active domestic or foreign service is five hundred 212
dollars and the maximum amount of cash payable to any person in 213
Persian gulf, Afghanistan, or Iraq service is one thousand 214
dollars, unless the person qualifies for a survivor's payment or a 215
payment based on missing in action or prisoner of war status under 216
division (D) of this section. Compensation for a fraction of a 217
month of service shall be paid on the basis of one-thirtieth of 218
the appropriate monthly amount for each day of service. 219

220

(D)(1) The surviving spouse, surviving child or children, or 221
surviving parent or parents, including a person or persons 222
standing in loco parentis for one year preceding commencement of 223
service in the United States armed forces, is entitled to, and may 224
apply to receive, the same amount of compensation that the person 225
who served in the armed forces would have received under division 226
(C) of this section. If the United States department of veterans' 227
affairs determines that the person's death was the result of 228
injuries or illness sustained in Persian gulf, Afghanistan, or 229
Iraq service, the person's survivors are entitled to, and may 230
apply for, a survivor's payment of five thousand dollars, 231
regardless of the amount of compensation that the deceased would 232
have been entitled to receive under this section, if living. The 233

survivor's payment shall be made to the surviving spouse. If there 234
is no surviving spouse, the payment shall go to the surviving 235
child or children. If there are no surviving children, the payment 236
shall go to the surviving parent or parents or person or persons 237
standing in loco parentis. 238

(2) A person designated by the United States department of 239
defense as missing in action as a result of honorable service or 240
held in enemy captivity, or the spouse, child, or parent, 241
including a person standing in loco parentis for one year 242
preceding commencement of active duty service, of a person 243
designated as missing in action or held in enemy captivity, is 244
entitled to, and may apply for, a payment of five thousand 245
dollars. This payment replaces any other cash benefit payable 246
under this section. While the person is missing or held captive, 247
the payment shall be made to the person's spouse. If there is no 248
spouse to claim the payment, payment shall be made to the person's 249
child or children. If the person does not have children, payment 250
shall be made to the person's parent or parents or person or 251
persons standing in loco parentis. 252

No payment to a spouse, child, parent, or person in loco 253
parentis of a person designated as missing in action as a result 254
of honorable service or held in enemy captivity, while the person 255
is missing in action or held captive, shall prevent the missing or 256
captive person from claiming and receiving a bonus of an equal 257
amount on the person's release or location. 258

(E) Compensation shall not be paid under this section as 259
follows: 260

(1) To any person who received from another state a bonus or 261
compensation of a similar nature; 262

(2) To any person who served less than ninety days in the 263
United States armed forces, unless active duty was terminated as a 264

result of injuries or illness sustained during Persian gulf, 265
Afghanistan, or Iraq service during the compensable period; 266

(3) To any person for any time period spent under penal 267
confinement during the compensable period. 268

(F) All applications for payment of compensation under this 269
section shall be made to the director according to the following 270
schedule: 271

(1) For Persian gulf service, not later than December 31, 272
2010. 273

(2) For Afghanistan service, not later than three years after 274
the date determined by the president or congress of the United 275
States as the end of involvement of the United States armed forces 276
in Afghanistan. 277

(3) For Iraq service, not later than three years after the 278
date determined by the president or congress of the United States 279
as the end of involvement of the United States armed forces in 280
Iraq. 281

(G) The director shall have complete charge of making payment 282
of compensation under division (C) of this section and shall adopt 283
rules, including rules regarding the amounts to which 284
beneficiaries are entitled, residency requirements, and any other 285
rules necessary to implement this section. These rules shall be 286
adopted in accordance with Chapter 119. of the Revised Code. 287

The director shall select and appoint legal counsel and 288
employees as are necessary and fix their compensation and 289
prescribe their duties. All appointees shall serve at the 290
director's pleasure. When practical, the director shall employ 291
Persian gulf, Afghanistan, and Iraq conflict veterans to fill such 292
positions. 293

(H) No sale or assignment of any right or claim to 294

compensation under this section shall be valid. No claims of 295
creditors shall be enforceable against rights or claims to or 296
payments of compensation under this section. No fees shall be 297
charged for services in connection with the prosecution of any 298
right or claim to compensation or the collection of any 299
compensation under this section. 300

(I) On payment of all valid claims for cash compensation made 301
within the time limitations under this section, the director shall 302
make a final report to the general assembly. Any funds remaining 303
in the Persian gulf, Afghanistan, and Iraq conflicts compensation 304
fund shall be transferred to the budget stabilization fund. 305
306

Sec. 5902.161. (A) There is hereby created in the state 307
treasury the Persian gulf, Afghanistan, and Iraq conflicts 308
compensation fund. The fund shall consist of amounts lawfully 309
appropriated, transferred, and credited to the fund. The director 310
of veterans services shall use the fund to pay for compensation to 311
veterans of the Persian gulf, Afghanistan, and Iraq conflicts in 312
accordance with section 5902.16 of the Revised Code. All 313
investment earnings of the fund shall be credited to the fund. 314

(B) If the director of veterans services determines that the 315
money available in the Persian gulf, Afghanistan, and Iraq 316
conflicts compensation fund is inadequate to provide the 317
compensation required by section 5902.16 of the Revised Code, the 318
director of veterans services shall request that the director of 319
budget and management transfer an amount in cash, estimated by the 320
director of veterans services as being sufficient to meet those 321
requirements, from the budget stabilization fund established in 322
section 131.43 of the Revised Code to the Persian gulf, 323
Afghanistan, and Iraq conflicts compensation fund. The total 324
amount to be transferred from the budget stabilization fund to the 325

Persian gulf, Afghanistan, and Iraq conflicts compensation fund, 326
including any amounts authorized in uncodified law, shall not be 327
more than two hundred million dollars. 328

Section 2. That existing section 5902.02 of the Revised Code 329
is hereby repealed. 330

Section 3. All items in this section are hereby appropriated 331
as designated out of any moneys in the state treasury to the 332
credit of the Persian Gulf, Afghanistan, and Iraq Conflicts 333
Compensation Fund for fiscal year 2009. The appropriation made in 334
this act is in addition to any other appropriations made for the 335
FY 2008-2009 biennium. 336

Appropriations

DVS DEPARTMENT OF VETERANS SERVICES 337

Persian Gulf, Afghanistan, and Iraq Conflicts Compensation Fund 338

5FS0 900605 Persian Gulf, Afghanistan, \$ 150,000,000 339
and Iraq Conflicts
Compensation

TOTAL 5FS0 Persian Gulf, Afghanistan, and Iraq \$ 150,000,000 340
Conflicts Compensation Fund

TOTAL ALL BUDGET FUND GROUPS \$ 150,000,000 341

PERSIAN GULF, AFGHANISTAN, AND IRAQ CONFLICTS COMPENSATION 342

Within 15 days after the effective date of this section, the 343
Director of Budget and Management shall transfer \$150,000,000 in 344
fiscal year 2009 from the Budget Stabilization Fund (Fund 7013) to 345
the Persian Gulf, Afghanistan, and Iraq Conflicts Compensation 346
Fund (Fund 5FS0) in the Department of Veterans Services. 347

The Director of Veterans Services shall use the foregoing 348
appropriation item 900605, Persian Gulf, Afghanistan, and Iraq 349
Conflicts Compensation, to carry out section 5902.16 of the 350
Revised Code. 351

Section 4. Within the limits set forth in this act, the 352
Director of Budget and Management shall establish accounts 353
indicating the source and amount of funds for each appropriation 354
made in this act, and shall determine the form and manner in which 355
appropriation accounts shall be maintained. Expenditures from 356
appropriations contained in this act shall be accounted for as 357
though made in Am. Sub. H.B. 119 of the 127th General Assembly. 358

The appropriations made in this act are subject to all 359
provisions of Am. Sub. H.B. 119 of the 127th General Assembly that 360
are generally applicable to the appropriations. 361

Section 5. The codified and uncodified sections of law 362
amended and enacted by this act are exempt from the referendum 363
under Ohio Constitution, Article II, Section 1d and section 1.471 364
of the Revised Code and therefore take effect immediately when 365
this act becomes law. 366