

**As Reported by the House Finance and Appropriations  
Committee**

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

**H. B. No. 649**

**Representative Hottinger**

**Cosponsors: Representatives Bacon, Dolan, Flowers, Jones, McGregor, R.,  
Schlichter, Stewart, J.**

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**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 Code pertaining to minimum qualifications for hiring, certifying, and accrediting county veterans service officers, pertaining to their required duties, and pertaining to revocation of the certification of county veterans service officers;

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

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

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

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

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

(I) Publishing annually, promulgating change notices for, and distributing a listing of county veterans service officers, county veterans service commissioners, state directors of veterans affairs, and national and state service officers of accredited veterans organizations and their state headquarters. The listing shall include the expiration dates of commission members' terms of office and the organizations they represent; the names, addresses,

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

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

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

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

(O) Planning, organizing, advertising, and conducting outreach efforts, such as conferences and fairs, at which veterans and their dependents may meet, learn about the organization and operation of the department of veterans services and of veterans

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 this section may apply to receive compensation of fifty dollars for each month of active domestic or foreign service and one hundred dollars for each month of Persian gulf, Afghanistan, or Iraq service during the compensable periods. A person who is medically discharged or medically retired from service due to combat-related disabilities sustained during Persian gulf, Afghanistan, or Iraq service may apply to receive compensation of one thousand dollars. The maximum amount of cash payable to any person in active domestic or foreign service is five hundred dollars and the maximum amount of cash payable to any person in Persian gulf, Afghanistan, or Iraq service is one thousand dollars, unless the person qualifies for a survivor's payment or a payment based on missing in action or prisoner of war status under division (D) of this section. Compensation for a fraction of a month of service shall be paid on the basis of one-thirtieth of the appropriate monthly amount for each day of service.

(D)(1) The surviving spouse, surviving child or children, or surviving parent or parents, including a person or persons standing in loco parentis for one year preceding commencement of service in the United States armed forces, is entitled to, and may apply to receive, the same amount of compensation that the person who served in the armed forces would have received under division (C) of this section. If the United States department of veterans' affairs determines that the person's death was the result of injuries or illness sustained in Persian gulf, Afghanistan, or Iraq service, the person's survivors are entitled to, and may apply for, a survivor's payment of five thousand dollars, regardless of the amount of compensation that the deceased would have been entitled to receive under this section, if living. The survivor's payment shall be made to the surviving spouse. If there is no surviving spouse, the payment shall go to the surviving



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