

As Introduced

**127th General Assembly
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S. B. No. 289

Senator Spada

**Cosponsors: Senators Harris, Stivers, Grendell, Schuler, Schuring, Seitz,
Padgett, Fedor, Niehaus, Austria, Mumper**

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A B I L L

To amend sections 121.02, 121.03, 3313.616, 5901.02, 1
5901.021, 5901.07, 5901.09, 5902.01, 5902.02, 2
5902.03, 5902.04, 5902.05, 5902.06, 5902.07, 3
5902.08, 5902.15, 5904.01, 5907.01, 5907.02, and 4
5910.02 and to enact sections 5902.021 and 5902.09 5
of the Revised Code to create a Department of 6
Veterans Affairs and a Director of Veterans 7
Affairs, to create duties for the department and 8
the director, to transfer the duties of the 9
Governor's Office of Veterans Affairs to the 10
department, and to place the Ohio Veterans' Home 11
Agency and the Ohio War Orphans Scholarship Board 12
under the department. 13

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

Section 1. That sections 121.02, 121.03, 3313.616, 5901.02, 14
5901.021, 5901.07, 5901.09, 5902.01, 5902.02, 5902.03, 5902.04, 15
5902.05, 5902.06, 5902.07, 5902.08, 5902.15, 5904.01, 5907.01, 16
5907.02, and 5910.02 be amended and sections 5902.021 and 5902.09 17
of the Revised Code be enacted to read as follows: 18

Sec. 121.02. The following administrative departments and	19
their respective directors are hereby created:	20
(A) The office of budget and management, which shall be	21
administered by the director of budget and management;	22
(B) The department of commerce, which shall be administered	23
by the director of commerce;	24
(C) The department of administrative services, which shall be	25
administered by the director of administrative services;	26
(D) The department of transportation, which shall be	27
administered by the director of transportation;	28
(E) The department of agriculture, which shall be	29
administered by the director of agriculture;	30
(F) The department of natural resources, which shall be	31
administered by the director of natural resources;	32
(G) The department of health, which shall be administered by	33
the director of health;	34
(H) The department of job and family services, which shall be	35
administered by the director of job and family services;	36
(I) Until July 1, 1997, the department of liquor control,	37
which shall be administered by the director of liquor control;	38
(J) The department of public safety, which shall be	39
administered by the director of public safety;	40
(K) The department of mental health, which shall be	41
administered by the director of mental health;	42
(L) The department of mental retardation and developmental	43
disabilities, which shall be administered by the director of	44
mental retardation and developmental disabilities;	45
(M) The department of insurance, which shall be administered	46

by the superintendent of insurance as director thereof; 47

(N) The department of development, which shall be 48
administered by the director of development; 49

(O) The department of youth services, which shall be 50
administered by the director of youth services; 51

(P) The department of rehabilitation and correction, which 52
shall be administered by the director of rehabilitation and 53
correction; 54

(Q) The environmental protection agency, which shall be 55
administered by the director of environmental protection; 56

(R) The department of aging, which shall be administered by 57
the director of aging; 58

(S) The department of alcohol and drug addiction services, 59
which shall be administered by the director of alcohol and drug 60
addiction services; 61

(T) The department of veterans affairs, which shall be 62
administered by the director of veterans affairs. 63

The director of each department shall exercise the powers and 64
perform the duties vested by law in such department. 65

Sec. 121.03. The following administrative department heads 66
shall be appointed by the governor, with the advice and consent of 67
the senate, and shall hold their offices during the term of the 68
appointing governor, and are subject to removal at the pleasure of 69
the governor. 70

(A) The director of budget and management; 71

(B) The director of commerce; 72

(C) The director of transportation; 73

(D) The director of agriculture; 74

(E) The director of job and family services;	75
(F) Until July 1, 1997, the director of liquor control;	76
(G) The director of public safety;	77
(H) The superintendent of insurance;	78
(I) The director of development;	79
(J) The tax commissioner;	80
(K) The director of administrative services;	81
(L) The director of natural resources;	82
(M) The director of mental health;	83
(N) The director of mental retardation and developmental disabilities;	84 85
(O) The director of health;	86
(P) The director of youth services;	87
(Q) The director of rehabilitation and correction;	88
(R) The director of environmental protection;	89
(S) The director of aging;	90
(T) The director of alcohol and drug addiction services;	91
(U) The administrator of workers' compensation who meets the qualifications required under division (A) of section 4121.121 of the Revised Code;	92 93 94
<u>(V) The director of veterans affairs.</u>	95
Sec. 3313.616. (A) Notwithstanding the requirements of	96
sections 3313.61, 3313.611, and 3313.612 of the Revised Code, the	97
board of education of any city, exempted village, or local school	98
district or the governing authority of any chartered nonpublic	99
school may grant a high school diploma to any veteran of World War	100
II, the Korean conflict, or the Vietnam conflict who is a resident	101

of this state or who was previously enrolled in any high school in 102
this state if all of the following apply: 103

(1) The veteran either: 104

(a) Left a public or nonpublic school located in any state 105
prior to graduation in order to serve in the armed forces of the 106
United States; 107

(b) Left a public or nonpublic school located in any state 108
prior to graduation due to family circumstances and subsequently 109
entered the armed forces of the United States. 110

(2) The veteran received an honorable discharge from the 111
armed forces of the United States. 112

(3) The veteran has not been granted a diploma as provided in 113
section 3313.61 or 3313.612 of the Revised Code, a diploma of 114
adult education as provided in section 3313.611 of the Revised 115
Code, or a diploma under this section. 116

(B) Notwithstanding the requirements of sections 3313.61, 117
3313.611, and 3313.612 of the Revised Code, the board of education 118
of any city, exempted village, or local school district or the 119
governing authority of any chartered nonpublic school may grant a 120
high school diploma to any woman who left high school during World 121
War II, the Korean conflict, or the Vietnam conflict and who is a 122
resident of this state or was previously enrolled in any high 123
school in this state, if both of the following apply: 124

(1) The woman either: 125

(a) Left a public or nonpublic school located in any state 126
prior to graduation in order to join the workforce to support her 127
family or to join the war effort; 128

(b) Left a public or nonpublic school located in any state 129
prior to graduation due to family circumstances and subsequently 130
joined the workforce or war effort. 131

(2) The woman has not been granted a diploma as provided in 132
section 3313.61 or 3313.612 of the Revised Code, a diploma of 133
adult education as provided in section 3313.611 of the Revised 134
Code, or a diploma under this section. 135

(C) If a person who would otherwise qualify for a diploma 136
under this section is deceased, the board of education of any 137
school district or the governing authority of any chartered 138
nonpublic school may award such diploma to the person posthumously 139
and may present that diploma to a living relative of the person. 140

(D) The ~~governor's office~~ department of veterans' affairs, in 141
accordance with section 111.15 of the Revised Code, and with the 142
advice and consent of the veterans advisory committee established 143
under division (K) of section 5902.02 of the Revised Code, shall 144
develop and adopt rules to implement this section. Such rules 145
shall include, but not be limited to, rules establishing 146
procedures for application and verification of eligible persons 147
for a diploma under this section. 148

Sec. 5901.02. In each county there shall be a commission 149
known as "the veterans service commission." Except as provided in 150
section 5901.021 of the Revised Code, the commission shall be 151
composed of five residents of the county appointed to five-year 152
terms by a judge of the court of common pleas. At the time of 153
appointment or reappointment to the commission, no commission 154
member appointed under this section shall be an employee of the 155
commission or hold an elective or other appointive office of the 156
county served by the commission. 157

Each member of the commission appointed under this section 158
shall be an honorably discharged or honorably separated veteran. 159
Within sixty days after the date of appointment, each such member 160
shall file the member's form DD214 with the ~~governor's office~~ 161
department of veterans affairs in accordance with guidelines 162

established by the director of that ~~office~~ department. Such 163
appointments shall be made from lists of recommended persons, in 164
the manner specified in the following paragraph. One person shall 165
be a representative recommended by the American Legion; one person 166
shall be a representative recommended by the Veterans of Foreign 167
Wars; one person shall be a representative recommended by the 168
Disabled American Veterans; one person shall be a representative 169
recommended by the AMVETS; and one person shall be a 170
representative recommended by the Military Order of the Purple 171
Heart of the U.S.A., the Vietnam Veterans of America, or the 172
Korean War Veterans Association. If any such organization has no 173
post or chapter located in the county, the appointment shall be 174
made from lists of recommended persons submitted by posts or 175
chapters of any other congressionally chartered veterans 176
organizations located in the county. If no such other 177
organizations have posts or chapters located in the county, the 178
judge responsible for making appointments under this section may 179
appoint any qualified veteran to represent the veteran community. 180

On or before the fifteenth day of October of each year, the 181
appointing judge shall notify each post or chapter of each 182
organization within the county from which the member may or must 183
be appointed that it may submit a list containing three 184
recommendations of persons who are eligible for appointment. If 185
the judge does not receive any recommendations within sixty days 186
after providing the required notification, the judge may appoint 187
any qualified veteran to represent the veteran community. The 188
judge shall make the appointment on or before the fifteenth day of 189
January of each year. Any vacancy in a membership appointed under 190
this section shall be filled in the same manner as the original 191
appointments. 192

Beginning in the year 2000, appointment of members to the 193
commission under this section shall be made as follows: 194

(A) Appointments for members to represent the American Legion shall be made for terms to commence in years ending in zero and five. 195
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(B) Appointments for members to represent the Veterans of Foreign Wars shall be made for terms to commence in years ending in one and six. 198
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(C) Appointments for members to represent the Disabled American Veterans shall be made for terms to commence in years ending in two and seven. 201
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(D) Appointments for members to represent the AMVETS shall be made for terms to commence in years ending in three and eight. 204
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(E) Appointments for members to represent the Military Order of the Purple Heart of the U.S.A., the Vietnam Veterans of America, or the Korean War Veterans Association shall be made for terms to commence in years ending in four and nine. 206
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The terms immediately preceding the initial appointments made under divisions (A) to (E) of this section may be for periods of less than five years. 210
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Sec. 5901.021. (A) This section applies only to counties having a population, according to the most recent decennial census, of more than five hundred thousand. 213
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(B)(1) In any county that is described in division (A) of this section and in which the veterans service commission submits a budget request under section 5901.11 of the Revised Code for the ensuing fiscal year that exceeds twenty-five-thousandths of one per cent of the assessed value of property in the county or the amount appropriated to the commission from the county general fund in the current fiscal year by more than ten per cent of that appropriation, the board of county commissioners, by resolution, may create not more than six memberships on the veterans service 216
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commission in addition to the memberships provided for by section 225
5901.02 of the Revised Code. The board shall prescribe the number 226
of years the additional memberships shall exist, which shall not 227
exceed five years. Once a board of county commissioners creates 228
any additional memberships, it may not create further additional 229
memberships under this section if the total number of such 230
memberships would exceed six. The board shall appoint persons who 231
are residents of the county and who are honorably discharged or 232
honorably separated veterans to each of the additional 233
memberships, for terms prescribed by the board and commencing on a 234
date fixed by the board. Each person appointed to an additional 235
membership shall file, within sixty days after the date of the 236
appointment, the person's form DD214 with the ~~governor's office~~ 237
department of veterans affairs in accordance with guidelines 238
established by the director of that ~~office~~ department. 239

(2) If the board of county commissioners appoints additional 240
members as described in division (B)(1) of this section, the board 241
may permit the commission to submit an original or revised budget 242
request for the ensuing fiscal year later than the last Monday in 243
May, as otherwise required under section 5901.11 of the Revised 244
Code. 245

(C) The board of county commissioners may remove, for cause, 246
any member appointed under this section. The board shall determine 247
whether the additional members may be reappointed upon the 248
expiration of their terms, and shall fill any vacancy in an 249
additional membership for the unexpired term in the manner 250
provided for the original appointment. 251

Sec. 5901.07. The veterans service commission shall employ 252
one or more county veterans service officers, one of whom may act 253
as executive director. Each service officer shall be a veteran. 254
Within sixty days after the date of initial employment, each 255

service officer shall file a copy of the officer's form DD214 with 256
the ~~governor's office~~ department of veterans affairs in accordance 257
with guidelines established by the director of that ~~office~~ 258
department. Each service officer shall be employed in the 259
classified service and is exempt from civil service examination. 260
The service officers shall advise and assist present and former 261
members of the armed forces of the United States, veterans, and 262
their spouses, surviving spouses, children, parents, and 263
dependents in presenting claims or obtaining rights or benefits 264
under any law of the United States or of this state. 265

The commission shall employ each service officer on a part- 266
or full-time basis and fix the officer's compensation. No county 267
commissioner or member of the veterans service commission shall be 268
employed as a service officer. 269

The commission shall employ the necessary clerks, 270
stenographers, and other personnel to assist the service officers 271
in the performance of duties and shall fix their compensation. 272
Each of these employees shall be a veteran or, if a qualified 273
veteran is not available, the spouse, surviving spouse, child, or 274
parent of a veteran. Each of these employees shall be employed in 275
the classified service and is exempt from civil service 276
examination. 277

The board of county commissioners, upon the recommendation or 278
approval of the veterans service commission, may provide suitable 279
office space, supplies, and office and incidental expenses for 280
each service officer. The compensation of each service officer and 281
of any employee and any expenses incurred under this section shall 282
be paid out of funds appropriated to the commission, as provided 283
in section 5901.11 of the Revised Code. 284

Sec. 5901.09. (A) Each applicant for financial assistance 285
under sections 5901.01 to 5901.15 of the Revised Code shall 286

provide the veterans service commission with a statement 287
concerning the applicant's household income and the amount of real 288
and personal taxable property, stocks, bonds, moneys on hand 289
loaned or deposited in any bank or elsewhere, shares in building 290
associations, mortgages, notes, or other articles of value from 291
which the applicant derives an income or revenue. The statement 292
shall be made upon blanks furnished by the commission and shall be 293
subscribed by the applicant. 294

Statements provided under this division shall not include 295
medical records and, pursuant to division (B) of this section, are 296
not public records under section 149.43 of the Revised Code. 297
Veterans service commissions may compile statistical data from the 298
statements in a manner to be prescribed by the ~~governor's office~~ 299
department of veterans affairs. These data shall be considered a 300
matter of public record. 301

(B) The following are not public records under section 149.43 302
of the Revised Code: 303

(1) A statement described in division (A) of this section; 304

(2) Any application for financial assistance under sections 305
5901.01 to 5901.15 of the Revised Code; 306

(3) Any documents that accompany and pertain to a statement 307
described in division (A) of this section or an application 308
described in division (B)(2) of this section; 309

(4) Any other documents that are used by or are in the 310
possession of a veterans service commission that may affect the 311
determination of the eligibility of an applicant for financial 312
assistance under sections 5901.01 to 5901.15 of the Revised Code 313
or that may affect the determination of an increase, decrease, or 314
discontinuance of an allowance under section 5901.14 of the 315
Revised Code, if those documents are required to be kept 316
confidential under any statute of this state or the United States; 317

(5) Any applications to obtain benefits under any law of the United States or of this state, and any documents accompanying those applications, in the possession of a veterans service commission and filed by persons in the armed forces of the United States, veterans, or the spouses, surviving spouses, children, parents, or dependents of veterans.

(C) Interviews of applicants for financial assistance under sections 5901.01 to 5901.15 of the Revised Code, discussions of the applications, statements, and other documents described in division (B) of this section, and reviews of matters relating to applicants' requests for financial assistance under sections 5901.01 to 5901.15 of the Revised Code shall be kept confidential. In accordance with division (J) of section 121.22 of the Revised Code, a veterans service commission shall conduct a meeting of the commission or a portion of a meeting of the commission to interview an applicant for financial assistance under sections 5901.01 to 5901.15 of the Revised Code, to discuss an application, statement, or other document described in division (B) of this section, or to review matters relating to an applicant's request for financial assistance under sections 5901.01 to 5901.15 of the Revised Code in an executive session.

(D) Except as otherwise provided in division (E) of this section or division (B) of section 5902.04 of the Revised Code, a veterans service commission shall ensure that the applications, statements, and other documents described in division (B) of this section are not used for any purpose other than to determine the eligibility of the applicant for financial assistance under sections 5901.01 to 5901.15 of the Revised Code or to determine whether to increase, decrease, or discontinue an allowance under section 5901.14 of the Revised Code.

(E)(1) An applicant for, or a recipient or former recipient of, financial assistance under sections 5901.01 to 5901.15 of the

Revised Code may consent to the release by a veterans service 350
commission of any information in an application, statement, or 351
other document described in division (B) of this section that 352
pertains to the applicant, recipient, or former recipient by 353
completing and signing a release of information form. The form 354
shall be prescribed by the ~~governor's office~~ department of 355
veterans affairs. An applicant for, or a recipient or former 356
recipient of, financial assistance shall sign a separate release 357
of information form each time the applicant, recipient, or former 358
recipient consents to the release of any specific information in 359
the application, statement, or other document involved. A copy of 360
each signed release of information form shall be kept in the file 361
of the applicant, recipient, or former recipient kept by the 362
commission. The release of information form shall specify the 363
following items: 364

(a) The individual, agency, or organization requesting the 365
information; 366

(b) The specific information requested; 367

(c) The intended use of the information requested; 368

(d) The date of the request for the information; 369

(e) The signature of the person who consents to the release 370
of the information. 371

(2) A law enforcement officer may obtain an application, 372
statement, or document as described in division (B) of this 373
section pursuant to an investigation by a law enforcement 374
authority, upon the issuance of a court order established upon 375
reasonable grounds that the information contained in the 376
applicaton, statement, or document is relevant to a suspected 377
violation of law. 378

(3)(a) A party to a matter pending before a court may obtain 379
an application, statement, or document as described in division 380

(B) of this section, if upon application to a court of competent jurisdiction, the party proves all of the following:

(i) The information contained in the application, statement, or document is relevant and material to the matter before the court.

(ii) Disclosure of the application, statement, or document serves the interests of justice, because the need of the party requesting the information within the application, statement, or document outweighs the privacy interest of the applicant, recipient, or former recipient of financial assistance under sections 5901.01 to 5901.15 of the Revised Code.

(iii) No other reasonable mean exists to obtain the information contained in the application, statement, or document.

(b) If the party to a matter pending before a court proves all of the elements in division (E)(3)(a) of this section, the court may order the disclosure of an application, statement, or document described in division (B) of this section. For purposes of this division the court shall do all of the following:

(i) Indicate the specific application, statement, or document to be disclosed;

(ii) Indicate the purpose for the disclosure of the application, statement, or document;

(iii) Indicate the person to whom the application, statement, or document will be disclosed.

~~Sec. 5902.01. There is hereby established within the office of the governor the governor's office of veterans affairs. The governor shall appoint, with the advice and consent of the senate, a chief executive assistant, who shall be an honorably discharged or honorably separated veteran of the United States armed forces, to be known as director of the governor's office of veterans~~

~~affairs. The governor's office department~~ of veterans affairs 411
shall employ ~~such other~~ administrative and technical personnel as 412
are necessary to perform the general and specific duties of the 413
~~office department~~. The administrative assistants and technical 414
personnel shall be honorably discharged or honorably separated 415
veterans of the United States armed forces, and shall be employed 416
in the classified service ~~and not be considered employees of the~~ 417
~~governor's office for purposes of division (A)(16) of section~~ 418
~~124.11 or division (B)(2) of section 124.14 of the Revised Code.~~ 419
Each individual employed in the clerical staff shall be an 420
honorably discharged or honorably separated veteran or, if a 421
qualified veteran is not available, the spouse, surviving spouse, 422
child, or parent of an honorably discharged or honorably separated 423
veteran, and shall be employed in the classified service ~~and not~~ 424
~~be considered an employee of the governor's office for purposes of~~ 425
~~division (A)(16) of section 124.11 of the Revised Code.~~ 426

Sec. 5902.02. ~~The duties of the director of the governor's~~ 427
~~office of~~ veterans affairs shall include the following: 428

(A) Furnishing the veterans service commissions of all 429
counties of the state copies of the state laws, rules, and 430
legislation relating to the operation of the commissions and their 431
offices; 432

(B) Upon application, assisting the general public in 433
obtaining records of vital statistics pertaining to veterans or 434
their dependents; 435

(C) Adopting rules pursuant to Chapter 119. of the Revised 436
Code pertaining to minimum qualifications for hiring, certifying, 437
and accrediting county veterans service officers and pertaining to 438
their required duties; 439

(D) Adopting rules pursuant to Chapter 119. of the Revised 440
Code for the education, training, certification, and duties of 441

veterans service commissioners;	442
(E) Developing and monitoring programs and agreements	443
enhancing employment and training for veterans in single or	444
multiple county areas;	445
(F) Developing and monitoring programs and agreements to	446
enable county veterans service commissions to address	447
homelessness, indigency, and other veteran-related issues	448
individually or jointly;	449
(G) Developing and monitoring programs and agreements to	450
enable state agencies, individually or jointly, that provide	451
services to veterans, including the veterans' homes operated under	452
Chapter 5907. of the Revised Code and the director of job and	453
family services, to address homelessness, indigency, employment,	454
and other veteran-related issues;	455
(H) Establishing and providing statistical reporting formats	456
and procedures for county veterans service commissions;	457
(I) Publishing annually, promulgating change notices for, and	458
distributing a listing of county veterans service officers, county	459
veterans service commissioners, state directors of veterans	460
affairs, and national and state service officers of accredited	461
veterans organizations and their state headquarters. The listing	462
shall include the expiration dates of commission members' terms of	463
office and the organizations they represent; the names, addresses,	464
and telephone numbers of county veterans service officers and	465
state directors of veterans affairs; and the addresses and	466
telephone numbers of the Ohio offices and headquarters of state	467
and national veterans service organizations.	468
(J) Publishing, by the first day of April of each	469
odd-numbered year, a directory of the laws of this state dealing	470
with veterans, as enacted through the conclusion of the previous	471
session of the general assembly, and distributing the publication	472

to each county veterans service office and the state headquarters 473
of each congressionally chartered veterans organization in the 474
state; 475

(K) Establishing a veterans advisory committee to advise and 476
assist the ~~governor's office~~ department of veterans affairs in its 477
duties. Members shall include a state representative of 478
congressionally chartered veterans organizations referred to in 479
section 5901.02 of the Revised Code, a representative of any other 480
congressionally chartered state veterans organization that has at 481
least one veterans service commissioner in the state, three 482
representatives of the Ohio state association of county veterans 483
service commissioners, who shall have a combined vote of one, 484
three representatives of the state association of county veterans 485
service officers, who shall have a combined vote of one, one 486
representative of the county commissioners association of Ohio, 487
who shall be a county commissioner not from the same county as any 488
of the other county representatives, a representative of the 489
governor's women veterans advisory committee, and a representative 490
of the office of the attorney general. The ~~governor's office~~ 491
department of veterans affairs shall submit to the advisory 492
committee proposed rules for the committee's operation. The 493
committee may review and revise these proposed rules prior to 494
submitting them to the joint committee on agency rule review. 495

(L) Adopting, with the advice and assistance of the veterans 496
advisory committee, policy and procedural guidelines that the 497
veterans service commissions shall adhere to in the development 498
and implementation of rules, policies, procedures, and guidelines 499
for the administration of Chapter 5901. of the Revised Code. The 500
~~governor's office~~ department of veterans affairs shall adopt no 501
guidelines or rules regulating the purposes, scope, duration, or 502
amounts of financial assistance provided to applicants pursuant to 503
sections 5901.01 to 5901.15 of the Revised Code. The director of 504

~~the governor's office of~~ veterans affairs may obtain opinions from 505
the office of the attorney general regarding rules, policies, 506
procedures, and guidelines of the veterans service commissions and 507
may enforce compliance with Chapter 5901. of the Revised Code. 508

(M) Receiving copies of form DD214 filed in accordance with 509
the director's guidelines adopted under division (L) of this 510
section from members of veterans service commissions appointed 511
under section 5901.02 and from county veterans service officers 512
employed under section 5901.07 of the Revised Code; 513

(N) Developing and maintaining and improving a resource, such 514
as a telephone answering point or a web site, by means of which 515
veterans and their dependents, through a single portal, can access 516
multiple sources of information and interaction with regard to the 517
rights of, and the benefits available to, veterans and their 518
dependents. The director of veterans affairs may enter into 519
agreements with state and federal agencies, with agencies of 520
political subdivisions, with state and local instrumentalities, 521
and with private entities as necessary to make the resource as 522
complete as is possible. 523

(O) Planning, organizing, advertising, and conducting 524
outreach efforts, such as conferences and fairs, at which veterans 525
and their dependents may meet, learn about the organization and 526
operation of the department of veterans affairs and of veterans 527
service commissions, and obtain information about the rights of, 528
and the benefits and services available to, veterans and their 529
dependents; 530

(P) Advertising, in print, on radio and television, and 531
otherwise, the rights of, and the benefits and services available 532
to, veterans and their dependents; 533

(Q) Developing and advocating improved benefits and services 534
for, and improved delivery of benefits and services to, veterans 535

and their dependents; 536

(R) Searching for, identifying, and reviewing statutory and 537
administrative policies that relate to veterans and their 538
dependents and reporting to the general assembly statutory and 539
administrative policies that should be consolidated in whole or in 540
part within the organization of the department of veterans affairs 541
to unify funding, delivery, and accounting of statutory and 542
administrative policy expressions that relate particularly to 543
veterans and their dependents; 544

(S) Encouraging veterans service commissions to innovate and 545
otherwise to improve efficiency in delivering benefits and 546
services to veterans and their dependents and to report successful 547
innovations and efficiencies to the director of veterans affairs; 548

(T) Publishing and encouraging adoption of successful 549
innovations and efficiencies veterans service commissions have 550
achieved in delivering benefits and services to veterans and their 551
dependents; 552

(U) Taking charge of, and temporarily directing, a veterans 553
service commission that the director has found is not properly 554
discharging its duties and responsibilities to veterans and their 555
dependents until the commission has taken corrective action and 556
resumed properly discharging its duties and responsibilities to 557
veterans and their dependents; 558

(V) Developing and maintaining a cordial relationship with 559
the United States department of veterans affairs, seeking optimal 560
federal benefits and services for Ohio veterans and their 561
dependents, and encouraging veterans service commissions to 562
maximize the federal benefits and services to which veterans and 563
their dependents are entitled; 564

(W) Developing and maintaining cordial relationships with the 565
several veterans organizations, encourage the organizations in 566

their efforts at assisting veterans and their dependents, and 567
advocate for adequate state subsidization of the organizations; 568

(X) Taking any other actions required by this chapter. 569

Sec. 5902.021. If the director of veterans affairs, upon 570
complaint or the director's own initiative, finds that a veterans 571
service commission is not properly discharging its duties and 572
responsibilities to veterans and their dependents, the director 573
may take charge of and temporarily direct the commission. In this 574
event, the commission shall prepare a plan for corrective action 575
and submit it to the director. If the plan is not acceptable, the 576
director shall advise the commission how the plan might be made 577
acceptable. When an acceptable corrective action plan has been 578
agreed to, the commission shall implement the corrective actions. 579
The director shall relinquish direction of the commission when the 580
commission is again properly discharging its duties and 581
responsibilities to veterans and their dependents. 582

Sec. 5902.03. The director of ~~the governor's office of~~ 583
veterans affairs may microfilm or otherwise duplicate all or any 584
part of copies of original certificates of discharge and 585
separation submitted by Ohio veterans in conjunction with their 586
applications for Ohio war bonuses. 587

The director may prepare and maintain files of such 588
microfilmed certificates of discharge and separation in such 589
manner that they may readily be available for the use of the 590
~~governor's office~~ department of veterans affairs, authorized 591
veterans service officers of the several congressionally chartered 592
veterans organizations, and county veterans service officers of 593
the several counties of the state in support of applications for 594
compensation, pension, medical, or domiciliary care, or other 595
state and federal benefits provided for eligible veterans or their 596

dependents or survivors. 597

The director may make copies of such microfilmed certificates 598
of discharge and separation for storage under secure conditions to 599
assure their preservation, and for supply to qualified veterans or 600
their dependents or survivors or to interested and authorized 601
veterans organizations to aid such organizations in their programs 602
of veterans aid and assistance. 603

Sec. 5902.04. (A) Upon application, the director of ~~the~~ 604
~~governor's office of~~ veterans affairs shall furnish necessary 605
instructions and advice to the veterans of the state, their heirs, 606
or their legal representatives, respecting their claims against 607
the United States or the state for pensions, bounty, bonus, back 608
pay, or otherwise, by reason of military service, ~~and perform~~ 609
~~other duties that the governor requires.~~ 610

(B) The director or the director's representative may examine 611
the files of any veterans service commission that pertain to 612
either of the following classes of persons to determine the 613
custody, use, or confidentiality of any documents in those files: 614

(1) Applicants for, or recipients or former recipients of, 615
financial assistance under sections 5901.01 to 5901.15 of the 616
Revised Code; 617

(2) Applicants for federal, state, or county benefits under 618
those sections. 619

(C)(1) No information or documents obtained by examinations 620
conducted under division (B) of this section shall be considered 621
part of the public records of the ~~governor's office~~ department of 622
veterans affairs. The director may disclose information or 623
documents that the director obtains pursuant to an examination 624
conducted under division (B) of this section and that personally 625
identify an applicant, recipient, or former recipient described in 626

that division, if either of the following applies: 627

(a) The director considers the disclosure necessary to 628
enforce compliance with Chapter 5901. of the Revised Code. 629

(b) For the purposes and under the circumstances authorized 630
under division (E) of section 5901.09 of the Revised Code. 631

(2) In all other cases, the director shall maintain the 632
confidentiality of information or documents that the director 633
obtains pursuant to an examination under division (B) of this 634
section and that personally identify an applicant, recipient, or 635
former recipient described in that division. 636

Sec. 5902.05. For the purpose of assisting veterans, the 637
director of ~~the governor's office of~~ veterans affairs or the 638
director's representative shall visit each veterans' home operated 639
under Chapter 5907. of the Revised Code and the national military 640
home at Dayton at least once every three months, and may visit 641
other veterans facilities as necessary. At the discretion of the 642
governor, the director of ~~the governor's office of~~ veterans 643
affairs or the director's representative shall visit the several 644
governmental departments at Washington, D.C., or elsewhere, as may 645
be necessary. 646

Sec. 5902.06. The director of ~~the governor's office of~~ 647
veterans affairs shall keep a register showing the situation and 648
disposition of any claim filed by ~~that office~~ the department of 649
veterans affairs. 650

Sec. 5902.07. The director of ~~the governor's office of~~ 651
veterans affairs may administer oaths. ~~He shall have a seal of~~ 652
~~office and his~~ The director's official certificate shall be 653
received in evidence without further authentication. 654

Sec. 5902.08. The director of ~~the governor's office of~~ 655
veterans affairs, or any employee thereof, shall not receive 656
directly or indirectly a fee or reward of any kind from a claimant 657
or other person for services rendered or to be rendered, relating 658
to a duty required of ~~him~~ the director or employee under sections 659
5902.01 to 5902.07 of the Revised Code, or in any manner connected 660
therewith. 661

Sec. 5902.09. The person in charge of a state agency or 662
instrumentality, an agency or instrumentality of a political 663
subdivision, or a private entity, such as a nursing home, that 664
provides law enforcement, health, or welfare services to 665
individuals, other than the Ohio veterans' home, shall ask an 666
individual with whom the agency, instrumentality, or entity 667
interacts if the individual is a veteran or is or was the 668
dependent of a veteran. If the individual claims to be such an 669
individual, the person in charge shall report the individual's 670
name, address, telephone number, and e-mail address; the agency's, 671
instrumentality's, or entity's name, address, telephone number, 672
and e-mail address; the nature of the agency's, instrumentality's, 673
or entity's interaction with the individual; and the date on which 674
the interaction occurred to the director of veterans affairs. The 675
director shall inform the veterans service commission having 676
jurisdiction about the veteran or dependent and the interaction. 677
The commission shall inquire about, and offer benefits and 678
services appropriate to, the veteran or dependent. 679

Sec. 5902.15. (A) If the president of the United States 680
indicates that national guard or reserve forces with headquarters 681
in this state may be called to active military duty, the governor 682
or the director of ~~the governor's office of~~ veterans affairs shall 683
convene, not later than ten days after all its members are 684

appointed, a military activation task force to determine whether 685
federal, state, and county agencies have prepared proper support 686
mechanisms for that military activation. The task force shall 687
prepare and publish a report stating whether these mechanisms have 688
been prepared and what further actions need to be taken to support 689
that military activation. 690

(B) The members of the task force are the chairpersons and 691
ranking minority members of the committees of the house of 692
representatives and senate that customarily consider bills dealing 693
with the military and veterans affairs, and a representative of 694
each of the following agencies and organizations whom that agency 695
or organization shall appoint: 696

- (1) The Ohio army national guard; 697
- (2) The Ohio air national guard; 698
- (3) The United States army reserve; 699
- (4) The United States marine corps reserve; 700
- (5) The United States naval reserve; 701
- (6) The United States air force reserve; 702
- (7) The United States coast guard reserve; 703
- (8) The United States department of veterans affairs; 704
- (9) The American Legion, department of Ohio; 705
- (10) The Veterans of Foreign Wars, department of Ohio; 706
- (11) The AMVETS, department of ~~Ohio~~ Ohio; 707
- (12) The Disabled American Veterans, department of ~~Ohio~~ Ohio; 708
- (13) The American Ex-Prisoners of War, department of Ohio; 709
- (14) The Vietnam Veterans of America, department of ~~Ohio~~ 710
Ohio; 711
- (15) The office of the Ohio attorney general; 712

(16) The Ohio association of county veterans service officers;	713 714
(17) The Ohio association of county veterans service commissioners;	715 716
(18) The bureau of employment services;	717
(19) The department of administrative services;	718
(20) (19) The state department of <u>human job and family</u> services;	719 720
(21) (20) The Ohio office of the United States department of labor;	721 722
(22) (21) The employer support of the national guard and reserve;	723 724
(23) (22) The Ohio military family support group;	725
(24) (23) The national league of families of prisoners and missing in action;	726 727
(25) (24) The governor's office <u>department</u> of veterans affairs.	728 729
(C) At its first meeting, the task force shall elect a chairperson and other officers it considers necessary.	730 731
(D) Members of the task force shall receive no compensation but shall be reimbursed for expenses they incur in the performance of their duties.	732 733 734
(E) Members of the task force shall serve until the task force publishes its report. Any vacancy on the task force shall be filled in the same manner as the original appointment.	735 736 737
(F) The governor's office <u>department</u> of veterans affairs shall provide the task force with necessary personnel, supplies, and services.	738 739 740

Sec. 5904.01. (A) There is hereby created the Ohio veterans 741
hall of fame. The ~~governor's office~~ department of veterans affairs 742
shall serve as the veterans hall of fame's administrative agent. 743
The veterans hall of fame shall recognize the post-military 744
achievements of outstanding veterans and spotlight all veterans' 745
contributions to the civilian workplace. 746

(B) The Ohio veterans hall of fame shall have an executive 747
committee composed of thirteen members, all of whom shall be 748
veterans. The director of ~~the governor's office of~~ veterans 749
affairs shall be an ex officio member. The ~~governor's office~~ 750
department of veterans affairs' veterans advisory committee, the 751
advisory committee on women veterans, the Ohio veterans hall of 752
fame foundation, the Veterans of Foreign Wars, the Disabled 753
American Veterans, the AMVETS, the Vietnam Veterans of America, 754
and the American Legion shall each appoint one member. 755

The Ohio veterans hall of fame executive committee shall 756
appoint its final four members, one of whom shall be from any 757
veterans organization that is incorporated in this state and that 758
is not otherwise represented on the executive committee, one of 759
whom was inducted into the veterans hall of fame three years 760
before the current fiscal year, one of whom was inducted into the 761
veterans hall of fame two years before the current fiscal year, 762
and one of whom was inducted into the veterans hall of fame one 763
year before the current fiscal year. 764

(C) Terms of office of the members of the Ohio veterans hall 765
of fame executive committee shall be for three years. Each member 766
shall serve subsequent to the expiration of the member's term 767
until the member's successor is appointed, or until sixty days has 768
elapsed, whichever occurs first. No member shall serve more than 769
two consecutive terms. 770

(D) All vacancies in the membership of the Ohio veterans hall 771

of fame executive committee shall be filled in the same manner as 772
prescribed for original appointments, and the terms of the 773
appointees shall be limited to the unexpired terms. 774

(E) The members of the Ohio veterans hall of fame executive 775
committee shall serve without compensation, but shall be 776
reimbursed for their actual and necessary expenses incurred in the 777
performance of their official duties. 778

(F) The Ohio veterans hall of fame executive committee shall 779
elect a chairperson and vice-chairperson from its membership. It 780
shall meet annually to select inductees for the veterans hall of 781
fame from the persons nominated in a manner prescribed by the 782
executive committee. The names of selected inductees shall be 783
submitted to the governor for final approval. The governor shall 784
provide any final approval within thirty days after the executive 785
committee submits the names of the selected inductees. The 786
governor may reject any of the selected inductees for cause, but 787
shall not make any additions to the list of those inductees. 788

(G) Except as otherwise provided in this division, all state 789
elected officials, members of the general assembly, members of the 790
Ohio veterans hall of fame foundation, members of the veterans 791
hall of fame executive committee, members of the governor's staff, 792
members of the veterans hall of fame staff, and members of any 793
county veterans service commission, and the director of ~~the~~ 794
~~governor's office of~~ veterans affairs, shall not be eligible for 795
induction into the veterans hall of fame until two years after 796
they have left their position. The executive committee may waive 797
the two-years requirement for nominees over the age of seventy. 798

(H) The Ohio veterans hall of fame executive committee is not 799
subject to sections 101.82 to 101.87 of the Revised Code. 800

Sec. 5907.01. (A) As used in this chapter: 801

(1) "Nursing home" means a nursing home within a veterans' home. 802
803

(2) "Veterans' home" means a veterans' home operated by the Ohio veterans' home agency. 804
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(B) There is hereby established the Ohio veterans' home agency ~~that~~ as part of the department of veterans affairs. The agency shall maintain and operate veterans' and nursing homes for honorably discharged veterans. 806
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Sec. 5907.02. The board of trustees of the Ohio veterans' home agency, which is hereby created, shall consist of ~~seven~~ eight members who shall govern the agency and have charge and custody of the agency's facilities. The members shall be the director of administrative services or that director's designee, the director of aging or that director's designee, the director of veterans affairs or that director's designee, and five members who shall be appointed by the governor with the advice and consent of the senate. All the members of the board appointed by the governor shall be veterans of wars in which the United States has participated, and not more than three of the members shall be of the same political party. The trustees shall serve without compensation, but they shall be allowed their actual expenses incurred in the discharge of their duties. Each year, the governor shall appoint one trustee. The term of office for each member of the board shall be for five years, commencing on the first day of July and ending on the thirtieth day of June. Each member shall hold office from the date of that member's appointment until the end of the term for which the member was appointed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which that member's predecessor was appointed shall hold office for the remainder of that term. Any member shall continue in office subsequent to the expiration date of that 810
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member's term until the member's successor takes office, or until 833
a period of sixty days has elapsed, whichever occurs first. The 834
board shall govern, conduct, and care for veterans' homes, the 835
property of the homes, and the veterans residing in the home. 836

~~Four~~ Five members of the board constitute a quorum, but any 837
~~three~~ four may approve the payment of current expenses, salaries, 838
and open contracts previously entered into by the board. 839

All supplies for the agency shall be purchased as provided in 840
sections 125.04 to 125.15 of the Revised Code. 841

The board shall appoint a superintendent of the Ohio 842
veterans' home agency upon any terms that are proper, and the 843
superintendent, with the advice and consent of the board, shall 844
employ aides, assistants, and employees, and perform other duties 845
that may be assigned to the superintendent by the board or become 846
necessary in the carrying out of the superintendent's duties. The 847
superintendent shall be responsible directly to the board. 848

Subject to section 5907.021 of the Revised Code, the 849
superintendent may appoint one or more employees at each veterans' 850
home as veterans' home police officers authorized to act on the 851
grounds of that home. The superintendent shall provide to those 852
employees a copy of the rules that apply to their appointment. The 853
rules shall specify whether or not the police officers may carry a 854
firearm. 855

Subject to section 5907.021 of the Revised Code, the 856
superintendent shall appoint a chief of police of the Ohio 857
veterans' home agency, determine the number of officers and other 858
personnel required by each veterans' home, and establish salary 859
schedules and other conditions of employment for veterans' homes 860
police officers. The chief of police shall serve at the pleasure 861
of the superintendent and shall appoint officers and other 862
personnel as the veterans' homes may require, subject to the rules 863

and limits that the superintendent establishes regarding 864
qualifications, salary ranges, and the number of personnel. The 865
superintendent, with the approval of the board, may purchase or 866
otherwise acquire any police apparatus, equipment, or materials, 867
including a police communication system and vehicles, that the 868
veterans' homes police officers may require. The superintendent 869
may send one or more of the officers or employees nominated by the 870
police chief to a school of instruction designed to provide 871
additional training or skills related to their work assignment at 872
their veterans' home. The superintendent may send those officers 873
or employees to the Ohio peace officer training academy that the 874
superintendent considers appropriate. 875

The board shall make an annual report to the governor as to 876
all expenditures and as to the management of the Ohio veterans' 877
home agency. 878

Sec. 5910.02. There is hereby created an Ohio war orphans 879
scholarship board ~~consisting as part of the department of veterans~~ 880
affairs. The board consists of ~~seven~~ eight members as follows: the 881
chancellor of the Ohio board of regents or the chancellor's 882
designee; the director of veterans affairs or the director's 883
designee; one member of the house of representatives, appointed by 884
the speaker; one member of the senate, appointed by the president 885
of the senate; and four members appointed by the governor, one of 886
whom shall be a representative of the American Legion, one of whom 887
shall be a representative of the Veterans of Foreign Wars, one of 888
whom shall be a representative of the Disabled American Veterans, 889
and one of whom shall be a representative of the AMVETS. At least 890
ninety days prior to the expiration of the term of office of the 891
representative of a veterans organization appointed by the 892
governor, the governor shall notify the state headquarters of the 893
affected organization of the need for an appointment and request 894
the organization to make at least three nominations. Within sixty 895

days after making the request for nominations, the governor may 896
make the appointment from the nominations received, or may reject 897
all the nominations and request at least three new nominations, 898
from which the governor shall make an appointment within thirty 899
days after making the request for the new nominations. If the 900
governor receives no nominations during this thirty-day period, 901
the governor may appoint any veteran. 902

Terms of office for the four members appointed by the 903
governor shall be for four years, commencing on the first day of 904
January and ending on the thirty-first day of December, except 905
that the term of the AMVETS representative shall expire December 906
31, 1998, and the new term that succeeds it shall commence on 907
January 1, 1999, and end on December 31, 2002. Each member shall 908
hold office from the date of the member's appointment until the 909
end of the term for which the member was appointed. The other 910
members shall serve during their terms of office. Any vacancy 911
shall be filled by appointment in the same manner as by original 912
appointment. Any member appointed to fill a vacancy occurring 913
prior to the expiration of the term for which the member's 914
predecessor was appointed shall hold office for the remainder of 915
such term. Any appointed member shall continue in office 916
subsequent to the expiration date of the member's term until the 917
member's successor takes office, or until a period of sixty days 918
has elapsed, whichever occurs first. The members of the board 919
shall serve without pay but shall be reimbursed for travel 920
expenses and for other actual and necessary expenses incurred in 921
the performance of their duties, not to exceed ten dollars per day 922
for ten days in any one year to be appropriated out of any moneys 923
in the state treasury to the credit of the general revenue fund. 924

The chancellor of the board of regents shall act as secretary 925
to the board and shall furnish such clerical and other assistance 926
as may be necessary to the performance of the duties of the board. 927

The board shall determine the number of scholarships to be 928
made available, receive applications for scholarships, pass upon 929
the eligibility of applicants, decide which applicants are to 930
receive scholarships, and do all other things necessary for the 931
proper administration of this chapter. 932

Section 2. That existing sections 121.02, 121.03, 3313.616, 933
5901.02, 5901.021, 5901.07, 5901.09, 5902.01, 5902.02, 5902.03, 934
5902.04, 5902.05, 5902.06, 5902.07, 5902.08, 5902.15, 5904.01, 935
5907.01, 5907.02, and 5910.02 of the Revised Code are hereby 936
repealed. 937

Section 3. Chapter 5902. of the Revised Code shall be known 938
as "Veterans Affairs." 939

Section 4. On the effective date of this section, the 940
Governor's Office of Veterans Affairs is abolished and its 941
functions, and its assets and liabilities, are transferred to the 942
Department of Veterans Affairs. The Department of Veterans Affairs 943
is successor to, assumes the obligations and authority of, and 944
otherwise continues the Governor's Office of Veterans Affairs. No 945
right, privilege, or remedy, and no duty, liability, or 946
obligation, accrued under the Governor's Office of Veterans 947
Affairs is impaired or lost by reason of the transfer and shall be 948
recognized, administered, performed, or enforced by the Department 949
of Veterans Affairs. 950

Business commenced but not completed by the Governor's Office 951
of Veterans Affairs or by the Director of the Governor's Office of 952
Veterans Affairs shall be completed by the Department of Veterans 953
Affairs or the Director of Veterans Affairs in the same manner, 954
and with the same effect, as if completed by the Governor's Office 955
of Veterans Affairs or the Director of the Governor's Office of 956
Veterans Affairs. 957

All the rules, orders, and determinations of the Governor's Office of Veterans Affairs continue in effect as rules, orders, and determinations of the Department of Veterans Affairs, until modified or rescinded by the Department of Veterans Affairs. If necessary to ensure the integrity of the numbering of the Administrative Code, the Director of the Legislative Service Commission shall renumber the rules of the Governor's Office of Veterans Affairs to reflect their transfer to the Department of Veterans Affairs.

Subject to the layoff provisions of sections 124.321 to 124.382 of the Revised Code, all employees of the Governor's Office of Veterans Affairs are transferred to the Department of Veterans Affairs and retain their positions and all benefits accruing thereto.

The Director of Budget and Management shall determine the amount of unexpended balances in the appropriation accounts that pertain to the Governor's Office of Veterans Affairs and shall recommend to the Controlling Board their transfer to appropriation accounts that pertain to the Department of Veterans Affairs. The Director of the Governor's Office of Veterans Affairs shall provide full and timely information to the Controlling Board to facilitate the transfer.

Whenever the Governor's Office of Veterans Affairs or the Director of the Governor's Office of Veterans Affairs is referred to in a statute, contract, or other instrument, the reference is deemed to refer to the Department of Veterans Affairs or to the Director of Veterans Affairs, whichever is appropriate in context.

No pending action or proceeding being prosecuted or defended in court or before an agency by the Governor's Office of Veterans Affairs or the Director of the Governor's Office of Veterans Affairs is affected by the transfer and shall be prosecuted or defended in the name of Department of Veterans Affairs or the

Director of Veterans Affairs, whichever is appropriate. Upon 990
application to the court or agency, the Department of Veterans 991
Affairs or the Director of Veterans Affairs shall be substituted 992
as a party. 993