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**Am. Sub. S. B. No. 289**

**Senator Spada**

**Cosponsors: Senators Harris, Stivers, Grendell, Schuler, Schuring, Seitz, Padgett, Fedor, Niehaus, Austria, Mumper, Cates, Sawyer, Wilson, Kearney, Boccieri, Cafaro, Carey, Faber, Goodman, Miller, D., Roberts, Schaffer, Miller, R., Smith, Morano**

**Representatives Hite, Book, Collier, Domenick, Flowers, Lundy, Reinhard, Schneider, Aslanides, Bacon, Beatty, Blessing, Bolon, Boyd, Brady, Brown, Budish, Celeste, Chandler, Combs, DeBose, DeGeeter, Dodd, Driehaus, Dyer, Evans, Fende, Foley, Gardner, Garrison, Gerberry, Gibbs, Goyal, Hagan, J., Hagan, R., Harwood, Hottinger, Hughes, Koziura, Letson, Luckie, McGregor, J., Mecklenborg, Newcomb, Oelslager, Otterman, J., Patton, Raussen, Redfern, Sayre, Schindel, Schlichter, Setzer, Skindell, Slesnick, Stewart, D., Stewart, J., Szollosi, Uecker, Ujvagi, Widener, Widowfield, Williams, B., Yates, Yuko, Zehringer**

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**A B I L L**

To amend sections 121.02, 121.03, 2311.07, 2311.08, 1  
2743.03, 3313.616, 3319.13, 4112.01, 5901.02, 2  
5901.021, 5901.07, 5901.09, 5902.01, 5902.02, 3  
5902.03, 5902.04, 5902.06, 5902.07, 5902.08, 4  
5902.15, 5903.02, 5903.99, 5904.01, 5907.01, 5  
5907.02, 5907.022, 5907.023, 5907.03, 5907.04, 6  
5907.11, 5907.12, 5907.13, 5907.141, 5910.02, and 7  
5923.05, to enact sections 2743.091, 5533.871, and 8  
5902.09, and to repeal sections 124.29, 5902.05, 9  
and 5903.01 of the Revised Code to create a 10

Department of Veterans Services and a Director of 11  
Veterans Services, to create duties for the 12  
department and the director, to transfer the 13  
duties of the Governor's Office of Veterans 14  
Affairs to the department, to place the Ohio 15  
Veterans' Home Agency and the Ohio War Orphans 16  
Scholarship Board under the department, to 17  
establish specified employment rights for private 18  
sector employees in the uniformed services, to 19  
permit a person aggrieved under the federal 20  
"Uniformed Services Employment and Reemployment 21  
Rights Act" to file a claim against the person's 22  
employer in a state court, to require the clerk of 23  
the court to give the action priority on the 24  
court's dockets, to prohibit the court from 25  
requiring a plaintiff to pay court costs, and to 26  
designate State Route 660 in Guernsey County as 27  
the "Major James W. Reed Memorial Highway." 28  
29

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

**Section 1.** That sections 121.02, 121.03, 2311.07, 2311.08, 30  
2743.03, 3313.616, 3319.13, 4112.01, 5901.02, 5901.021, 5901.07, 31  
5901.09, 5902.01, 5902.02, 5902.03, 5902.04, 5902.06, 5902.07, 32  
5902.08, 5902.15, 5903.02, 5903.99, 5904.01, 5907.01, 5907.02, 33  
5907.022, 5907.023, 5907.03, 5907.04, 5907.11, 5907.12, 5907.13, 34  
5907.141, 5910.02, and 5923.05 be amended and that sections 35  
2743.091, 5533.871, and 5902.09 of the Revised Code be enacted to 36  
read as follows: 37

**Sec. 121.02.** The following administrative departments and 38  
their respective directors are hereby created: 39

(A) The office of budget and management, which shall be administered by the director of budget and management;	40 41
(B) The department of commerce, which shall be administered by the director of commerce;	42 43
(C) The department of administrative services, which shall be administered by the director of administrative services;	44 45
(D) The department of transportation, which shall be administered by the director of transportation;	46 47
(E) The department of agriculture, which shall be administered by the director of agriculture;	48 49
(F) The department of natural resources, which shall be administered by the director of natural resources;	50 51
(G) The department of health, which shall be administered by the director of health;	52 53
(H) The department of job and family services, which shall be administered by the director of job and family services;	54 55
(I) Until July 1, 1997, the department of liquor control, which shall be administered by the director of liquor control;	56 57
(J) The department of public safety, which shall be administered by the director of public safety;	58 59
(K) The department of mental health, which shall be administered by the director of mental health;	60 61
(L) The department of mental retardation and developmental disabilities, which shall be administered by the director of mental retardation and developmental disabilities;	62 63 64
(M) The department of insurance, which shall be administered by the superintendent of insurance as director thereof;	65 66
(N) The department of development, which shall be administered by the director of development;	67 68

(O) The department of youth services, which shall be 69  
administered by the director of youth services; 70

(P) The department of rehabilitation and correction, which 71  
shall be administered by the director of rehabilitation and 72  
correction; 73

(Q) The environmental protection agency, which shall be 74  
administered by the director of environmental protection; 75

(R) The department of aging, which shall be administered by 76  
the director of aging; 77

(S) The department of alcohol and drug addiction services, 78  
which shall be administered by the director of alcohol and drug 79  
addiction services; 80

(T) The department of veterans services, which shall be 81  
administered by the director of veterans services. 82

The director of each department shall exercise the powers and 83  
perform the duties vested by law in such department. 84

**Sec. 121.03.** The following administrative department heads 85  
shall be appointed by the governor, with the advice and consent of 86  
the senate, and shall hold their offices during the term of the 87  
appointing governor, and are subject to removal at the pleasure of 88  
the governor. 89

(A) The director of budget and management; 90

(B) The director of commerce; 91

(C) The director of transportation; 92

(D) The director of agriculture; 93

(E) The director of job and family services; 94

(F) Until July 1, 1997, the director of liquor control; 95

(G) The director of public safety; 96

(H) The superintendent of insurance;	97
(I) The director of development;	98
(J) The tax commissioner;	99
(K) The director of administrative services;	100
(L) The director of natural resources;	101
(M) The director of mental health;	102
(N) The director of mental retardation and developmental disabilities;	103 104
(O) The director of health;	105
(P) The director of youth services;	106
(Q) The director of rehabilitation and correction;	107
(R) The director of environmental protection;	108
(S) The director of aging;	109
(T) The director of alcohol and drug addiction services;	110
(U) The administrator of workers' compensation who meets the qualifications required under division (A) of section 4121.121 of the Revised Code;	111 112 113
<u>(V) The director of veterans services who meets the qualifications required under section 5902.01 of the Revised Code.</u>	114 115
<b>Sec. 2311.07.</b> Cases in which there is an issue of fact or damages to be assessed shall be tried in the order in which they stand on the trial docket, unless by the consent of parties, or by the order of the court, they are continued or placed at the end of the docket, or for good cause shown are especially assigned for trial or hearing out of their regular order. Actions for wages <u>and</u> <u>actions pursuant to section 5903.02 of the Revised Code</u> shall be first in order for trial.	116 117 118 119 120 121 122 123

**Sec. 2311.08.** The court may assign for trial the cases 124  
triable to a jury, in a series, in the order in which they stand 125  
upon the docket, giving preference always to actions for wages, 126  
actions pursuant to section 5903.02 of the Revised Code, and cases 127  
not triable to a jury, in a series in like manner. All other cases 128  
shall be heard in the order in which they stand upon the trial 129  
docket, unless the court otherwise directs. 130

**Sec. 2743.03.** (A)(1) There is hereby created a court of 131  
claims. The court of claims is a court of record and has 132  
exclusive, original jurisdiction of all civil actions against the 133  
state permitted by the waiver of immunity contained in section 134  
2743.02 of the Revised Code, exclusive jurisdiction of the causes 135  
of action of all parties in civil actions that are removed to the 136  
court of claims, and jurisdiction to hear appeals from the 137  
decisions of the court of claims commissioners. The court shall 138  
have full equity powers in all actions within its jurisdiction and 139  
may entertain and determine all counterclaims, cross-claims, and 140  
third-party claims. 141

(2) If the claimant in a civil action as described in 142  
division (A)(1) of this section also files a claim for a 143  
declaratory judgment, injunctive relief, or other equitable relief 144  
against the state that arises out of the same circumstances that 145  
gave rise to the civil action described in division (A)(1) of this 146  
section, the court of claims has exclusive, original jurisdiction 147  
to hear and determine that claim in that civil action. This 148  
division does not affect, and shall not be construed as affecting, 149  
the original jurisdiction of another court of this state to hear 150  
and determine a civil action in which the sole relief that the 151  
claimant seeks against the state is a declaratory judgment, 152  
injunctive relief, or other equitable relief. 153

(3) In addition to its exclusive, original jurisdiction as 154

conferred by division (A)(1) and (2) of this section, the court of 155  
claims has exclusive, original jurisdiction as described in 156  
division (F) of section 2743.02 ~~and~~, division (B) of section 157  
3335.03, and division (C) of section 5903.02 of the Revised Code. 158

(B) The court of claims shall sit in Franklin county, its 159  
hearings shall be public, and it shall consist of incumbent 160  
justices or judges of the supreme court, courts of appeals, or 161  
courts of common pleas, or retired justices or judges eligible for 162  
active duty pursuant to division (C) of Section 6 of Article IV, 163  
Ohio Constitution, sitting by temporary assignment of the chief 164  
justice of the supreme court. The chief justice may direct the 165  
court to sit in any county for cases on removal upon a showing of 166  
substantial hardship and whenever justice dictates. 167

(C)(1) A civil action against the state shall be heard and 168  
determined by a single judge. Upon application by the claimant or 169  
the state, the chief justice of the supreme court may assign a 170  
panel of three judges to hear and determine a civil action 171  
presenting novel or complex issues of law or fact. Concurrence of 172  
two members of the panel is necessary for any judgment or order. 173

(2) Whenever the chief justice of the supreme court believes 174  
an equitable resolution of a case will be expedited, ~~he~~ the chief 175  
justice may appoint referees in accordance with Civil Rule 53 to 176  
hear the case. 177

(3) When any dispute under division (B) of section 153.12 of 178  
the Revised Code is brought to the court of claims, upon request 179  
of either party to the dispute, the chief justice of the supreme 180  
court shall appoint a single referee or a panel of three referees. 181  
The referees need not be attorneys, but shall be persons 182  
knowledgeable about construction contract law, a member of the 183  
construction industry panel of the American arbitration 184  
association, or an individual or individuals deemed qualified by 185  
the chief justice to serve. No person shall serve as a referee if 186

that person has been employed by an affected state agency or a 187  
contractor or subcontractor involved in the dispute at any time in 188  
the preceding five years. Proceedings governing referees shall be 189  
in accordance with Civil Rule 53, except as modified by this 190  
division. The referee or panel of referees shall submit its 191  
report, which shall include a recommendation and finding of fact, 192  
to the judge assigned to the case by the chief justice, within 193  
thirty days of the conclusion of the hearings. Referees appointed 194  
pursuant to this division shall be compensated on a per diem basis 195  
at the same rate as is paid to judges of the court and also shall 196  
be paid their expenses. If a single referee is appointed or a 197  
panel of three referees is appointed, then, with respect to one 198  
referee of the panel, the compensation and expenses of the referee 199  
shall not be taxed as part of the costs in the case but shall be 200  
included in the budget of the court. If a panel of three referees 201  
is appointed, the compensation and expenses of the two remaining 202  
referees shall be taxed as costs of the case. 203

All costs of a case shall be apportioned among the parties. 204  
The court may not require that any party deposit with the court 205  
cash, bonds, or other security in excess of two hundred dollars to 206  
guarantee payment of costs without the prior approval in each case 207  
of the chief justice. 208

(4) An appeal from a decision of the court of claims 209  
commissioners shall be heard and determined by one judge of the 210  
court of claims. 211

(D) The Rules of Civil Procedure shall govern practice and 212  
procedure in all actions in the court of claims, except insofar as 213  
inconsistent with this chapter. The supreme court may promulgate 214  
rules governing practice and procedure in actions in the court as 215  
provided in Section 5 of Article IV, Ohio Constitution. 216

(E)(1) A party who files a counterclaim against the state or 217  
makes the state a third-party defendant in an action commenced in 218



any court, other than the court of claims, shall file a petition 219  
for removal in the court of claims. The petition shall state the 220  
basis for removal, be accompanied by a copy of all process, 221  
pleadings, and other papers served upon the petitioner, and shall 222  
be signed in accordance with Civil Rule 11. A petition for removal 223  
based on a counterclaim shall be filed within twenty-eight days 224  
after service of the counterclaim of the petitioner. A petition 225  
for removal based on third-party practice shall be filed within 226  
twenty-eight days after the filing of the third-party complaint of 227  
the petitioner. 228

(2) Within seven days after filing a petition for removal, 229  
the petitioner shall give written notice to the parties, and shall 230  
file a copy of the petition with the clerk of the court in which 231  
the action was brought originally. The filing effects the removal 232  
of the action to the court of claims, and the clerk of the court 233  
where the action was brought shall forward all papers in the case 234  
to the court of claims. The court of claims shall adjudicate all 235  
civil actions removed. The court may remand a civil action to the 236  
court in which it originated upon a finding that the removal 237  
petition does not justify removal, or upon a finding that the 238  
state is no longer a party. 239

(3) Bonds, undertakings, or security and injunctions, 240  
attachments, sequestrations, or other orders issued prior to 241  
removal remain in effect until dissolved or modified by the court 242  
of claims. 243

Sec. 2743.091. If a person brings an action in the court of 244  
claims pursuant to section 5903.02 of the Revised Code or section 245  
4323 of the "Uniformed Services Employment and Reemployment Rights 246  
Act of 1994," 108 Stat. 3149, 38 U.S.C. 4301, et seq., the clerk 247  
of the court of claims shall give the action priority on the court 248  
of claims' dockets. 249

**Sec. 3313.616.** (A) Notwithstanding the requirements of 250  
sections 3313.61, 3313.611, and 3313.612 of the Revised Code, the 251  
board of education of any city, exempted village, or local school 252  
district or the governing authority of any chartered nonpublic 253  
school may grant a high school diploma to any veteran of World War 254  
II, the Korean conflict, or the Vietnam conflict who is a resident 255  
of this state or who was previously enrolled in any high school in 256  
this state if all of the following apply: 257

(1) The veteran either: 258

(a) Left a public or nonpublic school located in any state 259  
prior to graduation in order to serve in the armed forces of the 260  
United States; 261

(b) Left a public or nonpublic school located in any state 262  
prior to graduation due to family circumstances and subsequently 263  
entered the armed forces of the United States. 264

(2) The veteran received an honorable discharge from the 265  
armed forces of the United States. 266

(3) The veteran has not been granted a diploma as provided in 267  
section 3313.61 or 3313.612 of the Revised Code, a diploma of 268  
adult education as provided in section 3313.611 of the Revised 269  
Code, or a diploma under this section. 270

(B) Notwithstanding the requirements of sections 3313.61, 271  
3313.611, and 3313.612 of the Revised Code, the board of education 272  
of any city, exempted village, or local school district or the 273  
governing authority of any chartered nonpublic school may grant a 274  
high school diploma to any woman who left high school during World 275  
War II, the Korean conflict, or the Vietnam conflict and who is a 276  
resident of this state or was previously enrolled in any high 277  
school in this state, if both of the following apply: 278

(1) The woman either: 279

(a) Left a public or nonpublic school located in any state 280  
prior to graduation in order to join the workforce to support her 281  
family or to join the war effort; 282

(b) Left a public or nonpublic school located in any state 283  
prior to graduation due to family circumstances and subsequently 284  
joined the workforce or war effort. 285

(2) The woman has not been granted a diploma as provided in 286  
section 3313.61 or 3313.612 of the Revised Code, a diploma of 287  
adult education as provided in section 3313.611 of the Revised 288  
Code, or a diploma under this section. 289

(C) If a person who would otherwise qualify for a diploma 290  
under this section is deceased, the board of education of any 291  
school district or the governing authority of any chartered 292  
nonpublic school may award such diploma to the person posthumously 293  
and may present that diploma to a living relative of the person. 294

(D) The ~~governor's office~~ department of ~~veterans' affairs~~ 295  
veterans services, in accordance with section 111.15 of the 296  
Revised Code, and with the advice and consent of the veterans 297  
advisory committee established under division (K) of section 298  
5902.02 of the Revised Code, shall develop and adopt rules to 299  
implement this section. Such rules shall include, but not be 300  
limited to, rules establishing procedures for application and 301  
verification of eligible persons for a diploma under this section. 302  
303

**Sec. 3319.13.** Upon the written request of a teacher or a 304  
regular nonteaching school employee, a board of education may 305  
grant a leave of absence for a period of not more than two 306  
consecutive school years for educational, professional, or other 307  
purposes, and shall grant such leave where illness or other 308  
disability is the reason for the request. Upon subsequent request, 309  
such leave may be renewed by the board. Without request, a board 310

may grant similar leave of absence and renewals thereof to any 311  
teacher or regular nonteaching school employee because of physical 312  
or mental disability, but such teacher may have a hearing on such 313  
unrequested leave of absence or its renewals in accordance with 314  
section 3319.16 of the Revised Code, and such nonteaching school 315  
employee may have a hearing on such unrequested leave of absence 316  
or its renewals in accordance with division (C) of section 317  
3319.081 of the Revised Code. Upon the return to service of a 318  
teacher or a nonteaching school employee at the expiration of a 319  
leave of absence, the teacher or nonteaching school employee shall 320  
resume the contract status that the teacher or nonteaching school 321  
employee held prior to the leave of absence. Any teacher who 322  
leaves a teaching position for service in the uniformed services 323  
and who returns from service in the uniformed services that is 324  
terminated in a manner other than as described in section 4304 of 325  
Title 38 of the United States Code, "Uniformed Services Employment 326  
and Reemployment Rights Act of 1994," 108 Stat. 3149, 38 U.S.C.A. 327  
4304, shall resume the contract status held prior to entering the 328  
uniformed services, subject to passing a physical examination by 329  
an individual authorized by the Revised Code to conduct physical 330  
examinations, including a physician assistant, a clinical nurse 331  
specialist, a certified nurse practitioner, or a certified 332  
nurse-midwife. Any written documentation of the physical 333  
examination shall be completed by the individual who conducted the 334  
examination. Such contract status shall be resumed at the first of 335  
the school semester or the beginning of the school year following 336  
return from the uniformed services. For purposes of this section 337  
and section 3319.14 of the Revised Code, "uniformed services" and 338  
"service in the uniformed services" have the same meanings as 339  
defined in section ~~5903.01~~ 5923.05 of the Revised Code. 340

Upon the return of a nonteaching school employee from a leave 341  
of absence, the board may terminate the employment of a person 342  
hired exclusively for the purpose of replacing the returning 343

employee while the returning employee was on leave. If, after the 344  
return of a nonteaching employee from leave, the person employed 345  
exclusively for the purpose of replacing an employee while the 346  
employee was on leave is continued in employment as a regular 347  
nonteaching school employee or if the person is hired by the board 348  
as a regular nonteaching school employee within a year after 349  
employment as a replacement is terminated, the person shall, for 350  
purposes of section 3319.081 of the Revised Code, receive credit 351  
for the person's length of service with the school district during 352  
such replacement period in the following manner: 353

(A) If employed as a replacement for less than twelve months, 354  
the person shall be employed under a contract valid for a period 355  
equal to twelve months less the number of months employed as a 356  
replacement. At the end of such contract period, if the person is 357  
reemployed it shall be under a two-year contract. Subsequent 358  
reemployment shall be pursuant to division (B) of section 3319.081 359  
of the Revised Code. 360

(B) If employed as a replacement for twelve months or more 361  
but less than twenty-four months, the person shall be employed 362  
under a contract valid for a period equal to twenty-four months 363  
less the number of months employed as a replacement. Subsequent 364  
reemployment shall be pursuant to division (B) of section 3319.081 365  
of the Revised Code. 366

(C) If employed as a replacement for more than twenty-four 367  
months, the person shall be employed pursuant to division (B) of 368  
section 3319.081 of the Revised Code. 369

For purposes of this section, employment during any part of a 370  
month shall count as employment during the entire month. 371

**Sec. 4112.01.** (A) As used in this chapter: 372

(1) "Person" includes one or more individuals, partnerships, 373

associations, organizations, corporations, legal representatives, 374  
trustees, trustees in bankruptcy, receivers, and other organized 375  
groups of persons. "Person" also includes, but is not limited to, 376  
any owner, lessor, assignor, builder, manager, broker, 377  
salesperson, appraiser, agent, employee, lending institution, and 378  
the state and all political subdivisions, authorities, agencies, 379  
boards, and commissions of the state. 380

(2) "Employer" includes the state, any political subdivision 381  
of the state, any person employing four or more persons within the 382  
state, and any person acting directly or indirectly in the 383  
interest of an employer. 384

(3) "Employee" means an individual employed by any employer 385  
but does not include any individual employed in the domestic 386  
service of any person. 387

(4) "Labor organization" includes any organization that 388  
exists, in whole or in part, for the purpose of collective 389  
bargaining or of dealing with employers concerning grievances, 390  
terms or conditions of employment, or other mutual aid or 391  
protection in relation to employment. 392

(5) "Employment agency" includes any person regularly 393  
undertaking, with or without compensation, to procure 394  
opportunities to work or to procure, recruit, refer, or place 395  
employees. 396

(6) "Commission" means the Ohio civil rights commission 397  
created by section 4112.03 of the Revised Code. 398

(7) "Discriminate" includes segregate or separate. 399

(8) "Unlawful discriminatory practice" means any act 400  
prohibited by section 4112.02, 4112.021, or 4112.022 of the 401  
Revised Code. 402

(9) "Place of public accommodation" means any inn, 403

restaurant, eating house, barbershop, public conveyance by air, 404  
land, or water, theater, store, other place for the sale of 405  
merchandise, or any other place of public accommodation or 406  
amusement of which the accommodations, advantages, facilities, or 407  
privileges are available to the public. 408

(10) "Housing accommodations" includes any building or 409  
structure, or portion of a building or structure, that is used or 410  
occupied or is intended, arranged, or designed to be used or 411  
occupied as the home residence, dwelling, dwelling unit, or 412  
sleeping place of one or more individuals, groups, or families 413  
whether or not living independently of each other; and any vacant 414  
land offered for sale or lease. "Housing accommodations" also 415  
includes any housing accommodations held or offered for sale or 416  
rent by a real estate broker, salesperson, or agent, by any other 417  
person pursuant to authorization of the owner, by the owner, or by 418  
the owner's legal representative. 419

(11) "Restrictive covenant" means any specification limiting 420  
the transfer, rental, lease, or other use of any housing 421  
accommodations because of race, color, religion, sex, military 422  
status, familial status, national origin, disability, or ancestry, 423  
or any limitation based upon affiliation with or approval by any 424  
person, directly or indirectly, employing race, color, religion, 425  
sex, military status, familial status, national origin, 426  
disability, or ancestry as a condition of affiliation or approval. 427

(12) "Burial lot" means any lot for the burial of deceased 428  
persons within any public burial ground or cemetery, including, 429  
but not limited to, cemeteries owned and operated by municipal 430  
corporations, townships, or companies or associations incorporated 431  
for cemetery purposes. 432

(13) "Disability" means a physical or mental impairment that 433  
substantially limits one or more major life activities, including 434  
the functions of caring for one's self, performing manual tasks, 435

walking, seeing, hearing, speaking, breathing, learning, and 436  
working; a record of a physical or mental impairment; or being 437  
regarded as having a physical or mental impairment. 438

(14) Except as otherwise provided in section 4112.021 of the 439  
Revised Code, "age" means at least forty years old. 440

(15) "Familial status" means either of the following: 441

(a) One or more individuals who are under eighteen years of 442  
age and who are domiciled with a parent or guardian having legal 443  
custody of the individual or domiciled, with the written 444  
permission of the parent or guardian having legal custody, with a 445  
designee of the parent or guardian; 446

(b) Any person who is pregnant or in the process of securing 447  
legal custody of any individual who is under eighteen years of 448  
age. 449

(16)(a) Except as provided in division (A)(16)(b) of this 450  
section, "physical or mental impairment" includes any of the 451  
following: 452

(i) Any physiological disorder or condition, cosmetic 453  
disfigurement, or anatomical loss affecting one or more of the 454  
following body systems: neurological; musculoskeletal; special 455  
sense organs; respiratory, including speech organs; 456  
cardiovascular; reproductive; digestive; genito-urinary; hemic and 457  
lymphatic; skin; and endocrine; 458

(ii) Any mental or psychological disorder, including, but not 459  
limited to, mental retardation, organic brain syndrome, emotional 460  
or mental illness, and specific learning disabilities; 461

(iii) Diseases and conditions, including, but not limited to, 462  
orthopedic, visual, speech, and hearing impairments, cerebral 463  
palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, 464  
cancer, heart disease, diabetes, human immunodeficiency virus 465



infection, mental retardation, emotional illness, drug addiction, 466  
and alcoholism. 467

(b) "Physical or mental impairment" does not include any of 468  
the following: 469

(i) Homosexuality and bisexuality; 470

(ii) Transvestism, transsexualism, pedophilia, exhibitionism, 471  
voyeurism, gender identity disorders not resulting from physical 472  
impairments, or other sexual behavior disorders; 473

(iii) Compulsive gambling, kleptomania, or pyromania; 474

(iv) Psychoactive substance use disorders resulting from the 475  
current illegal use of a controlled substance or the current use 476  
of alcoholic beverages. 477

(17) "Dwelling unit" means a single unit of residence for a 478  
family of one or more persons. 479

(18) "Common use areas" means rooms, spaces, or elements 480  
inside or outside a building that are made available for the use 481  
of residents of the building or their guests, and includes, but is 482  
not limited to, hallways, lounges, lobbies, laundry rooms, refuse 483  
rooms, mail rooms, recreational areas, and passageways among and 484  
between buildings. 485

(19) "Public use areas" means interior or exterior rooms or 486  
spaces of a privately or publicly owned building that are made 487  
available to the general public. 488

(20) "Controlled substance" has the same meaning as in 489  
section 3719.01 of the Revised Code. 490

(21) "Disabled tenant" means a tenant or prospective tenant 491  
who is a person with a disability. 492

(22) "Military status" means a person's status in "service in 493  
the uniformed services" as defined in section ~~5903.01~~ 5923.05 of 494  
the Revised Code. 495

(B) For the purposes of divisions (A) to (F) of section 496  
4112.02 of the Revised Code, the terms "because of sex" and "on 497  
the basis of sex" include, but are not limited to, because of or 498  
on the basis of pregnancy, any illness arising out of and 499  
occurring during the course of a pregnancy, childbirth, or related 500  
medical conditions. Women affected by pregnancy, childbirth, or 501  
related medical conditions shall be treated the same for all 502  
employment-related purposes, including receipt of benefits under 503  
fringe benefit programs, as other persons not so affected but 504  
similar in their ability or inability to work, and nothing in 505  
division (B) of section 4111.17 of the Revised Code shall be 506  
interpreted to permit otherwise. This division shall not be 507  
construed to require an employer to pay for health insurance 508  
benefits for abortion, except where the life of the mother would 509  
be endangered if the fetus were carried to term or except where 510  
medical complications have arisen from the abortion, provided that 511  
nothing in this division precludes an employer from providing 512  
abortion benefits or otherwise affects bargaining agreements in 513  
regard to abortion. 514

Sec. 5533.871. The road known as state route number six 515  
hundred sixty, located within Guernsey county, shall be known as 516  
the "Major James W. Reed Memorial Highway." 517

The director of transportation may erect suitable markers 518  
along the highway indicating its name. 519

**Sec. 5901.02.** In each county there shall be a commission 520  
known as "the veterans service commission." Except as provided in 521  
section 5901.021 of the Revised Code, the commission shall be 522  
composed of five residents of the county appointed to five-year 523  
terms by a judge of the court of common pleas. At the time of 524  
appointment or reappointment to the commission, no commission 525  
member appointed under this section shall be an employee of the 526

commission or hold an elective or other appointive office of the 527  
county served by the commission. 528

Each member of the commission appointed under this section 529  
shall be an honorably discharged or honorably separated veteran. 530  
Within sixty days after the date of appointment, each such member 531  
shall file the member's form DD214 with the ~~governor's office~~ 532  
department of veterans ~~affairs~~ services in accordance with 533  
guidelines established by the director of that ~~office~~ department. 534  
Such appointments shall be made from lists of recommended persons, 535  
in the manner specified in the following paragraph. One person 536  
shall be a representative recommended by the American Legion; one 537  
person shall be a representative recommended by the Veterans of 538  
Foreign Wars; one person shall be a representative recommended by 539  
the Disabled American Veterans; one person shall be a 540  
representative recommended by the AMVETS; and one person shall be 541  
a representative recommended by the Military Order of the Purple 542  
Heart of the U.S.A., the Vietnam Veterans of America, or the 543  
Korean War Veterans Association. If any such organization has no 544  
post or chapter located in the county, the appointment shall be 545  
made from lists of recommended persons submitted by posts or 546  
chapters of any other congressionally chartered veterans 547  
organizations located in the county. If no such other 548  
organizations have posts or chapters located in the county, the 549  
judge responsible for making appointments under this section may 550  
appoint any qualified veteran to represent the veteran community. 551

On or before the fifteenth day of October of each year, the 553  
appointing judge shall notify each post or chapter of each 554  
organization within the county from which the member may or must 555  
be appointed that it may submit a list containing three 556  
recommendations of persons who are eligible for appointment. If 557  
the judge does not receive any recommendations within sixty days 558

after providing the required notification, the judge may appoint 559  
any qualified veteran to represent the veteran community. The 560  
judge shall make the appointment on or before the fifteenth day of 561  
January of each year. Any vacancy in a membership appointed under 562  
this section shall be filled in the same manner as the original 563  
appointments. 564

Beginning in the year 2000, appointment of members to the 565  
commission under this section shall be made as follows: 566

(A) Appointments for members to represent the American Legion 567  
shall be made for terms to commence in years ending in zero and 568  
five. 569

(B) Appointments for members to represent the Veterans of 570  
Foreign Wars shall be made for terms to commence in years ending 571  
in one and six. 572

(C) Appointments for members to represent the Disabled 573  
American Veterans shall be made for terms to commence in years 574  
ending in two and seven. 575

(D) Appointments for members to represent the AMVETS shall be 576  
made for terms to commence in years ending in three and eight. 577

(E) Appointments for members to represent the Military Order 578  
of the Purple Heart of the U.S.A., the Vietnam Veterans of 579  
America, or the Korean War Veterans Association shall be made for 580  
terms to commence in years ending in four and nine. 581

The terms immediately preceding the initial appointments made 582  
under divisions (A) to (E) of this section may be for periods of 583  
less than five years. 584

The appointing authority shall remove a member who fails to 585  
maintain certification or whose certification is revoked by the 586  
director of veterans services. 587

**Sec. 5901.021.** (A) This section applies only to counties 588

having a population, according to the most recent decennial 589  
census, of more than five hundred thousand. 590

(B)(1) In any county that is described in division (A) of 591  
this section and in which the veterans service commission submits 592  
a budget request under section 5901.11 of the Revised Code for the 593  
ensuing fiscal year that exceeds twenty-five-thousandths of one 594  
per cent of the assessed value of property in the county or the 595  
amount appropriated to the commission from the county general fund 596  
in the current fiscal year by more than ten per cent of that 597  
appropriation, the board of county commissioners, by resolution, 598  
may create not more than six memberships on the veterans service 599  
commission in addition to the memberships provided for by section 600  
5901.02 of the Revised Code. The board shall prescribe the number 601  
of years the additional memberships shall exist, which shall not 602  
exceed five years. Once a board of county commissioners creates 603  
any additional memberships, it may not create further additional 604  
memberships under this section if the total number of such 605  
memberships would exceed six. The board shall appoint persons who 606  
are residents of the county and who are honorably discharged or 607  
honorably separated veterans to each of the additional 608  
memberships, for terms prescribed by the board and commencing on a 609  
date fixed by the board. Each person appointed to an additional 610  
membership shall file, within sixty days after the date of the 611  
appointment, the person's form DD214 with the ~~governor's office~~ 612  
department of veterans ~~affairs~~ services in accordance with 613  
guidelines established by the director of that ~~office~~ department. 614

(2) If the board of county commissioners appoints additional 616  
members as described in division (B)(1) of this section, the board 617  
may permit the commission to submit an original or revised budget 618  
request for the ensuing fiscal year later than the last Monday in 619  
May, as otherwise required under section 5901.11 of the Revised 620

Code. 621

(C) The board of county commissioners may remove, for cause, 622  
any member appointed under this section. The board shall determine 623  
whether the additional members may be reappointed upon the 624  
expiration of their terms, and shall fill any vacancy in an 625  
additional membership for the unexpired term in the manner 626  
provided for the original appointment. 627

**Sec. 5901.07.** The veterans service commission shall employ 628  
one or more county veterans service officers, one of whom may act 629  
as executive director. Each service officer shall be a veteran. 630  
Within sixty days after the date of initial employment, each 631  
service officer shall file a copy of the officer's form DD214 with 632  
the ~~governor's office~~ department of veterans ~~affairs~~ services in 633  
accordance with guidelines established by the director of that 634  
~~office~~ department. Each service officer shall be employed in the 635  
classified service and is exempt from civil service examination. 636  
The commission may remove a veterans service officer who fails to 637  
maintain accreditation or whose certification is revoked by the 638  
director of veterans services. The service officers shall advise 639  
and assist present and former members of the armed forces of the 640  
United States, veterans, and their spouses, surviving spouses, 641  
children, parents, and dependents in presenting claims or 642  
obtaining rights or benefits under any law of the United States or 643  
of this state. 644

The commission shall employ each service officer on a part- 645  
or full-time basis and fix the officer's compensation. No county 646  
commissioner or member of the veterans service commission shall be 647  
employed as a service officer. 648

The commission shall employ the necessary clerks, 649  
stenographers, and other personnel to assist the service officers 650  
in the performance of duties and shall fix their compensation. 651

Each of these employees shall be a veteran or, if a qualified 652  
veteran is not available, the spouse, surviving spouse, child, or 653  
parent of a veteran. Each of these employees shall be employed in 654  
the classified service and is exempt from civil service 655  
examination. 656

The board of county commissioners, upon the recommendation or 657  
approval of the veterans service commission, may provide suitable 658  
office space, supplies, and office and incidental expenses for 659  
each service officer. The compensation of each service officer and 660  
of any employee and any expenses incurred under this section shall 661  
be paid out of funds appropriated to the commission, as provided 662  
in section 5901.11 of the Revised Code. 663

**Sec. 5901.09.** (A) Each applicant for financial assistance 664  
under sections 5901.01 to 5901.15 of the Revised Code shall 665  
provide the veterans service commission with a statement 666  
concerning the applicant's household income and the amount of real 667  
and personal taxable property, stocks, bonds, moneys on hand 668  
loaned or deposited in any bank or elsewhere, shares in building 669  
associations, mortgages, notes, or other articles of value from 670  
which the applicant derives an income or revenue. The statement 671  
shall be made upon blanks furnished by the commission and shall be 672  
subscribed by the applicant. 673

Statements provided under this division shall not include 674  
medical records and, pursuant to division (B) of this section, are 675  
not public records under section 149.43 of the Revised Code. 676  
Veterans service commissions may compile statistical data from the 677  
statements in a manner to be prescribed by the ~~governor's office~~ 678  
department of veterans ~~affairs~~ services. These data shall be 679  
considered a matter of public record. 680

(B) The following are not public records under section 149.43 681  
of the Revised Code: 682

(1) A statement described in division (A) of this section;	683
(2) Any application for financial assistance under sections 5901.01 to 5901.15 of the Revised Code;	684 685
(3) Any documents that accompany and pertain to a statement described in division (A) of this section or an application described in division (B)(2) of this section;	686 687 688
(4) Any other documents that are used by or are in the possession of a veterans service commission that may affect the determination of the eligibility of an applicant for financial assistance under sections 5901.01 to 5901.15 of the Revised Code or that may affect the determination of an increase, decrease, or discontinuance of an allowance under section 5901.14 of the Revised Code, if those documents are required to be kept confidential under any statute of this state or the United States;	689 690 691 692 693 694 695 696
(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.	697 698 699 700 701 702
(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,	703 704 705 706 707 708 709 710 711 712 713



statement, or other document described in division (B) of this 714  
section, or to review matters relating to an applicant's request 715  
for financial assistance under sections 5901.01 to 5901.15 of the 716  
Revised Code in an executive session. 717

(D) Except as otherwise provided in division (E) of this 718  
section or division (B) of section 5902.04 of the Revised Code, a 719  
veterans service commission shall ensure that the applications, 720  
statements, and other documents described in division (B) of this 721  
section are not used for any purpose other than to determine the 722  
eligibility of the applicant for financial assistance under 723  
sections 5901.01 to 5901.15 of the Revised Code or to determine 724  
whether to increase, decrease, or discontinue an allowance under 725  
section 5901.14 of the Revised Code. 726

(E)(1) An applicant for, or a recipient or former recipient 727  
of, financial assistance under sections 5901.01 to 5901.15 of the 728  
Revised Code may consent to the release by a veterans service 729  
commission of any information in an application, statement, or 730  
other document described in division (B) of this section that 731  
pertains to the applicant, recipient, or former recipient by 732  
completing and signing a release of information form. The form 733  
shall be prescribed by the ~~governor's office~~ department of 734  
veterans ~~affairs~~ services. An applicant for, or a recipient or 735  
former recipient of, financial assistance shall sign a separate 736  
release of information form each time the applicant, recipient, or 737  
former recipient consents to the release of any specific 738  
information in the application, statement, or other document 739  
involved. A copy of each signed release of information form shall 740  
be kept in the file of the applicant, recipient, or former 741  
recipient kept by the commission. The release of information form 742  
shall specify the following items: 743

(a) The individual, agency, or organization requesting the 744  
information; 745

(b) The specific information requested;	746
(c) The intended use of the information requested;	747
(d) The date of the request for the information;	748
(e) The signature of the person who consents to the release of the information.	749 750
(2) A law enforcement officer may obtain an application, statement, or document as described in division (B) of this section pursuant to an investigation by a law enforcement authority, upon the issuance of a court order established upon reasonable grounds that the information contained in the <del>application</del> <u>application</u> , statement, or document is relevant to a suspected violation of law.	751 752 753 754 755 756 757
(3)(a) A party to a matter pending before a court may obtain an application, statement, or document as described in division (B) of this section, if upon application to a court of competent jurisdiction, the party proves all of the following:	758 759 760 761
(i) The information contained in the application, statement, or document is relevant and material to the matter before the court.	762 763 764
(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.	765 766 767 768 769 770
(iii) No other reasonable mean exists to obtain the information contained in the application, statement, or document.	771 772
(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	773 774 775

document described in division (B) of this section. For purposes 776  
of this division the court shall do all of the following: 777

(i) Indicate the specific application, statement, or document 778  
to be disclosed; 779

(ii) Indicate the purpose for the disclosure of the 780  
application, statement, or ~~document~~ document; 781

(iii) Indicate the person to whom the application, statement, 782  
or document will be disclosed. 783

**Sec. 5902.01.** ~~There is hereby established within the office 784  
of the governor the governor's office of veterans affairs. The 785  
governor shall appoint, with the advice and consent of the senate, 786  
a chief executive assistant, who The person appointed to the 787  
position of director of veterans services shall be an honorably 788  
discharged or honorably separated veteran of the United States 789  
armed forces, ~~to be known as director of the governor's office of 790  
veterans affairs. The governor's office department of veterans 791  
affairs services shall employ such other administrative and 792  
technical personnel as are necessary to perform the general and 793  
specific duties of the ~~office~~ department. The administrative 794  
assistants and technical personnel shall be honorably discharged 795  
or honorably separated veterans of the United States armed forces, 796  
and shall be employed in the classified service and not be 797  
considered employees of the governor's office for purposes of 798  
division (A)(16) of section 124.11 or division (B)(2) of section 799  
124.14 of the Revised Code. Each individual employed in the 800  
clerical staff shall be an honorably discharged or honorably 801  
separated veteran or, if a qualified veteran is not available, the 802  
spouse, surviving spouse, child, or parent of an honorably 803  
discharged or honorably separated veteran, and shall be employed 804  
in the classified service and not be considered an employee of the 805  
governor's office for purposes of division (A)(16) of section 806~~~~

~~124.11 of the Revised Code. For positions within the department,~~ 807  
~~the director shall adopt rules under Chapter 119. of the Revised~~ 808  
~~Code establishing a program, which the director shall implement,~~ 809  
~~giving hiring preferences to veterans.~~ 810

**Sec. 5902.02.** The duties of the director of ~~the governor's~~ 811  
~~office of veterans affairs~~ services shall include the following: 812

(A) Furnishing the veterans service commissions of all 813  
counties of the state copies of the state laws, rules, and 814  
legislation relating to the operation of the commissions and their 815  
offices; 816

(B) Upon application, assisting the general public in 817  
obtaining records of vital statistics pertaining to veterans or 818  
their dependents; 819

(C) Adopting rules pursuant to Chapter 119. of the Revised 820  
Code pertaining to minimum qualifications for hiring, certifying, 821  
and accrediting county veterans service officers ~~and,~~ pertaining 822  
to their required duties, and pertaining to revocation of the 823  
certification of county veterans service officers; 824

(D) Adopting rules pursuant to Chapter 119. of the Revised 825  
Code for the education, training, certification, and duties of 826  
veterans service commissioners and for the revocation of the 827  
certification of a veterans service commissioner; 828

(E) Developing and monitoring programs and agreements 829  
enhancing employment and training for veterans in single or 830  
multiple county areas; 831

(F) Developing and monitoring programs and agreements to 832  
enable county veterans service commissions to address 833  
homelessness, indigency, and other veteran-related issues 834  
individually or jointly; 835

(G) Developing and monitoring programs and agreements to 836

enable state agencies, individually or jointly, that provide 837  
services to veterans, including the veterans' homes operated under 838  
Chapter 5907. of the Revised Code and the director of job and 839  
family services, to address homelessness, indigency, employment, 840  
and other veteran-related issues; 841

(H) Establishing and providing statistical reporting formats 842  
and procedures for county veterans service commissions; 843

(I) Publishing annually, promulgating change notices for, and 844  
distributing a listing of county veterans service officers, county 845  
veterans service commissioners, state directors of veterans 846  
affairs, and national and state service officers of accredited 847  
veterans organizations and their state headquarters. The listing 848  
shall include the expiration dates of commission members' terms of 849  
office and the organizations they represent; the names, addresses, 850  
and telephone numbers of county veterans service officers and 851  
state directors of veterans affairs; and the addresses and 852  
telephone numbers of the Ohio offices and headquarters of state 853  
and national veterans service organizations. 854

(J) Publishing, by the first day of April of each 855  
odd-numbered year, a directory of the laws of this state dealing 856  
with veterans, as enacted through the conclusion of the previous 857  
session of the general assembly, and distributing the publication 858  
to each county veterans service office and the state headquarters 859  
of each congressionally chartered veterans organization in the 860  
state; 861

(K) Establishing a veterans advisory committee to advise and 862  
assist the ~~governor's office~~ department of veterans affairs 863  
services in its duties. Members shall include a state 864  
representative of congressionally chartered veterans organizations 865  
referred to in section 5901.02 of the Revised Code, a 866  
representative of any other congressionally chartered state 867  
veterans organization that has at least one veterans service 868

commissioner in the state, three representatives of the Ohio state 869  
association of county veterans service commissioners, who shall 870  
have a combined vote of one, three representatives of the state 871  
association of county veterans service officers, who shall have a 872  
combined vote of one, one representative of the county 873  
commissioners association of Ohio, who shall be a county 874  
commissioner not from the same county as any of the other county 875  
representatives, a representative of the advisory committee on 876  
women veterans, a representative of a labor organization, and a 877  
representative of the office of the attorney general. The 878  
~~governor's office~~ department of veterans ~~affairs~~ services shall 879  
submit to the advisory committee proposed rules for the 880  
committee's operation. The committee may review and revise these 881  
proposed rules prior to submitting them to the joint committee on 882  
agency rule review. 883

(L) Adopting, with the advice and assistance of the veterans 884  
advisory committee, policy and procedural guidelines that the 885  
veterans service commissions shall adhere to in the development 886  
and implementation of rules, policies, procedures, and guidelines 887  
for the administration of Chapter 5901. of the Revised Code. The 888  
~~governor's office~~ department of veterans ~~affairs~~ services shall 889  
adopt no guidelines or rules regulating the purposes, scope, 890  
duration, or amounts of financial assistance provided to 891  
applicants pursuant to sections 5901.01 to 5901.15 of the Revised 892  
Code. The director of ~~the governor's office of~~ veterans ~~affairs~~ 893  
services may obtain opinions from the office of the attorney 894  
general regarding rules, policies, procedures, and guidelines of 895  
the veterans service commissions and may enforce compliance with 896  
Chapter 5901. of the Revised Code. 897

(M) Receiving copies of form DD214 filed in accordance with 898  
the director's guidelines adopted under division (L) of this 899  
section from members of veterans service commissions appointed 900

under section 5901.02 and from county veterans service officers 901  
employed under section 5901.07 of the Revised Code; 902

(N) Developing and maintaining and improving a resource, such 903  
as a telephone answering point or a web site, by means of which 904  
veterans and their dependents, through a single portal, can access 905  
multiple sources of information and interaction with regard to the 906  
rights of, and the benefits available to, veterans and their 907  
dependents. The director of veterans services may enter into 908  
agreements with state and federal agencies, with agencies of 909  
political subdivisions, with state and local instrumentalities, 910  
and with private entities as necessary to make the resource as 911  
complete as is possible. 912

(O) Planning, organizing, advertising, and conducting 913  
outreach efforts, such as conferences and fairs, at which veterans 914  
and their dependents may meet, learn about the organization and 915  
operation of the department of veterans services and of veterans 916  
service commissions, and obtain information about the rights of, 917  
and the benefits and services available to, veterans and their 918  
dependents; 919

(P) Advertising, in print, on radio and television, and 920  
otherwise, the rights of, and the benefits and services available 921  
to, veterans and their dependents; 922

(Q) Developing and advocating improved benefits and services 923  
for, and improved delivery of benefits and services to, veterans 924  
and their dependents; 925

(R) Searching for, identifying, and reviewing statutory and 926  
administrative policies that relate to veterans and their 927  
dependents and reporting to the general assembly statutory and 928  
administrative policies that should be consolidated in whole or in 929  
part within the organization of the department of veterans 930  
services to unify funding, delivery, and accounting of statutory 931

and administrative policy expressions that relate particularly to 932  
veterans and their dependents; 933

(S) Encouraging veterans service commissions to innovate and 934  
otherwise to improve efficiency in delivering benefits and 935  
services to veterans and their dependents and to report successful 936  
innovations and efficiencies to the director of veterans services; 937

(T) Publishing and encouraging adoption of successful 938  
innovations and efficiencies veterans service commissions have 939  
achieved in delivering benefits and services to veterans and their 940  
dependents; 941

(U) Establishing advisory committees, in addition to the 942  
veterans advisory committee established under division (K) of this 943  
section, on veterans issues; 944

(V) Developing and maintaining a relationship with the United 945  
States department of veterans affairs, seeking optimal federal 946  
benefits and services for Ohio veterans and their dependents, and 947  
encouraging veterans service commissions to maximize the federal 948  
benefits and services to which veterans and their dependents are 949  
entitled; 950

(W) Developing and maintaining relationships with the several 951  
veterans organizations, encouraging the organizations in their 952  
efforts at assisting veterans and their dependents, and advocating 953  
for adequate state subsidization of the organizations; 954

(X) Requiring the several veterans organizations that receive 955  
funding from the state annually to report to the director of 956  
veterans services and prescribing the form and content of the 957  
report; 958

(Y) Investigating complaints against county veterans services 959  
commissioners and county veterans service officers if the director 960  
reasonably believes the investigation to be appropriate and 961  
necessary; 962



(Z) Taking any other actions required by this chapter. 963

**Sec. 5902.03.** The director of ~~the governor's office of~~ 964  
veterans ~~affairs~~ services may microfilm or otherwise duplicate all 965  
or any part of copies of original certificates of discharge and 966  
separation submitted by Ohio veterans ~~in conjunction with their~~ 967  
~~applications for Ohio war bonuses.~~ 968

The director may prepare and maintain files of such 969  
microfilmed certificates of discharge and separation in such 970  
manner that they may readily be available for the use of the 971  
~~governor's office~~ department of veterans ~~affairs~~ services, 972  
authorized veterans service officers of the several 973  
congressionally chartered veterans organizations, and county 974  
veterans service officers of the several counties of the state in 975  
support of applications for compensation, pension, medical, or 976  
domiciliary care, or other state and federal benefits provided for 977  
eligible veterans or their dependents or survivors. 978

The director may make copies of such microfilmed certificates 979  
of discharge and separation for storage under secure conditions to 980  
assure their preservation, and for supply to qualified veterans or 981  
their dependents or survivors or to interested and authorized 982  
veterans organizations to aid such organizations in their programs 983  
of veterans aid and assistance. 984

**Sec. 5902.04.** (A) Upon application, the director of ~~the~~ 985  
~~governor's office of~~ veterans ~~affairs~~ services shall furnish 986  
necessary instructions and advice to the veterans of the state, 987  
their heirs, or their legal representatives, respecting their 988  
claims against the United States or the state for pensions, 989  
bounty, bonus, back pay, or otherwise, by reason of military 990  
service, ~~and perform other duties that the governor requires.~~ 991

(B) The director or the director's representative may examine 992

the files of any veterans service commission that pertain to 993  
either of the following classes of persons to determine the 994  
custody, use, or confidentiality of any documents in those files: 995

(1) Applicants for, or recipients or former recipients of, 996  
financial assistance under sections 5901.01 to 5901.15 of the 997  
Revised Code; 998

(2) Applicants for federal, state, or county benefits under 999  
those sections. 1000

(C)(1) No information or documents obtained by examinations 1001  
conducted under division (B) of this section shall be considered 1002  
part of the public records of the ~~governor's office~~ department of 1003  
veterans ~~affairs~~ services. The director may disclose information 1004  
or documents that the director obtains pursuant to an examination 1005  
conducted under division (B) of this section and that personally 1006  
identify an applicant, recipient, or former recipient described in 1007  
that division, if either of the following applies: 1008

(a) The director considers the disclosure necessary to 1009  
enforce compliance with Chapter 5901. of the Revised Code. 1010

(b) For the purposes and under the circumstances authorized 1011  
under division (E) of section 5901.09 of the Revised Code. 1012

(2) In all other cases, the director shall maintain the 1013  
confidentiality of information or documents that the director 1014  
obtains pursuant to an examination under division (B) of this 1015  
section and that personally identify an applicant, recipient, or 1016  
former recipient described in that division. 1017

**Sec. 5902.06.** The director of ~~the governor's office~~ of 1018  
veterans ~~affairs~~ services shall keep a register showing the 1019  
situation and disposition of any claim filed by ~~that office~~ the 1020  
department of veterans services. 1021

**Sec. 5902.07.** The director of ~~the governor's office of~~ 1022  
veterans affairs services may administer oaths. He ~~shall have a~~ 1023  
~~seal of office and his~~ The director's official certificate shall 1024  
be received in evidence without further authentication. 1025

**Sec. 5902.08.** The director of ~~the governor's office of~~ 1026  
veterans affairs services, or any employee thereof, shall not 1027  
receive directly or indirectly a fee or reward of any kind from a 1028  
claimant or other person for services rendered or to be rendered, 1029  
relating to a duty required of ~~him~~ the director or employee under 1030  
sections 5902.01 to 5902.07 of the Revised Code, or in any manner 1031  
connected therewith. 1032

**Sec. 5902.09.** The person in charge of a state agency or 1033  
instrumentality, an agency or instrumentality of a political 1034  
subdivision, or a private entity, such as a nursing home, that 1035  
provides law enforcement, health, or welfare services to 1036  
individuals, other than the Ohio veterans' home and veterans 1037  
service organizations, shall ask an individual with whom the 1038  
agency, instrumentality, or entity interacts if the individual is 1039  
a veteran or is or was the dependent of a veteran. If the 1040  
individual claims to be such an individual, the person in charge 1041  
shall report the individual's name, address, telephone number, and 1042  
e-mail address; the agency's, instrumentality's, or entity's name, 1043  
address, telephone number, and e-mail address; the nature of the 1044  
agency's, instrumentality's, or entity's interaction with the 1045  
individual; and the date on which the interaction occurred to the 1046  
director of veterans services. The director shall inform the 1047  
veterans service commission having jurisdiction about the veteran 1048  
or dependent and the interaction. The commission shall inquire 1049  
about, and offer benefits and services appropriate to, the veteran 1050  
or dependent. 1051

**Sec. 5902.15.** (A) If the president of the United States 1052  
indicates that national guard or reserve forces with headquarters 1053  
in this state may be called to active military duty, the governor 1054  
or the director of ~~the governor's office of~~ veterans affairs 1055  
services shall convene, not later than ten days after all its 1056  
members are appointed, a military activation task force to 1057  
determine whether federal, state, and county agencies have 1058  
prepared proper support mechanisms for that military activation. 1059  
The task force shall prepare and publish a report stating whether 1060  
these mechanisms have been prepared and what further actions need 1061  
to be taken to support that military activation. 1062

(B) The members of the task force are the chairpersons and 1063  
ranking minority members of the committees of the house of 1064  
representatives and senate that customarily consider bills dealing 1065  
with the military and veterans affairs, and a representative of 1066  
each of the following agencies and organizations whom that agency 1067  
or organization shall appoint: 1068

- (1) The Ohio army national guard; 1069
- (2) The Ohio air national guard; 1070
- (3) The United States army reserve; 1071
- (4) The United States marine corps reserve; 1072
- (5) The United States naval reserve; 1073
- (6) The United States air force reserve; 1074
- (7) The United States coast guard reserve; 1075
- (8) The United States department of veterans affairs; 1076
- (9) The American Legion, department of Ohio; 1077
- (10) The Veterans of Foreign Wars, department of Ohio; 1078
- (11) The AMVETS, department of ~~Ohio~~ Ohio; 1079

(12) The Disabled American Veterans, department of <del>Ohio</del> <u>Ohio</u> ;	1080
(13) The American Ex-Prisoners of War, department of Ohio;	1081
(14) The Vietnam Veterans of America, department of <del>Ohio</del> <u>Ohio</u> ;	1082 1083
(15) The office of the Ohio attorney general;	1084
(16) The Ohio association of county veterans service officers;	1085 1086
(17) The Ohio association of county veterans service commissioners;	1087 1088
(18) <del>The bureau of employment services;</del>	1089
<del>(19)</del> The department of administrative services;	1090
<del>(20)</del> (19) The state department of <u>human job and family</u> services;	1091 1092
<del>(21)</del> (20) The Ohio office of the United States department of labor;	1093 1094
<del>(22)</del> (21) The employer support of the national guard and reserve;	1095 1096
<del>(23)</del> (22) The Ohio military family support group;	1097
<del>(24)</del> (23) The national league of families of prisoners and missing in action;	1098 1099
<del>(25)</del> (24) The <del>governor's office</del> <u>department</u> of veterans <del>affairs</del> <u>services</u> .	1100 1101
(C) At its first meeting, the task force shall elect a chairperson and other officers it considers necessary.	1102 1103
(D) Members of the task force shall receive no compensation but shall be reimbursed for expenses they incur in the performance of their duties.	1104 1105 1106
(E) Members of the task force shall serve until the task	1107

force publishes its report. Any vacancy on the task force shall be 1108  
filled in the same manner as the original appointment. 1109

(F) ~~The governor's office~~ department of veterans affairs 1110  
services shall provide the task force with necessary personnel, 1111  
supplies, and services. 1112

**Sec. 5903.02.** (A) ~~The determination of reinstatement and 1113  
reemployment rights of permanent public employees and permanent 1114  
private employees in the uniformed services shall be made in 1115  
accordance with~~ As used in this section, "uniformed services" and 1116  
"service in the uniformed services" have the same meanings as in 1117  
the "Uniformed Services Employment and Reemployment Rights Act of 1118  
1994," 108 Stat. 3149, 38 U.S.C.A. 4301, et. seq 4303. 1119

(B) Any person whose absence from a position of employment is 1120  
necessitated by reason of service in the uniformed services or in 1121  
the Ohio organized militia has the same reinstatement and 1122  
reemployment rights in this state that a person has under the 1123  
"Uniformed Services Employment and Reemployment Rights Act of 1124  
1994." A person who is denied a reinstatement or reemployment 1125  
right pursuant to this section has a cause of action for the same 1126  
remedies as a person has under the "Uniformed Services Employment 1127  
and Reemployment Rights Act of 1994." The court of common pleas, 1128  
notwithstanding any sum limitation established by decision of a 1129  
board of county commissioners pursuant to section 2305.01 of the 1130  
Revised Code, shall have exclusive original jurisdiction for such 1131  
actions, unless the defendant is the state, in which case the 1132  
court of claims shall have exclusive original jurisdiction 1133  
pursuant to division (C) of this section. 1134

(C) A person who seeks reinstatement or reemployment rights 1135  
with the state, pursuant to this section, may bring an action in 1136  
the court of claims pursuant to this section or section 4323 of 1137  
the "Uniformed Services Employment and Reemployment Rights Act of 1138

1994." 1139

(D) In any action or proceeding to enforce a provision of 1140  
this section, the court shall require the defendant to pay the 1141  
court costs if the plaintiff is the prevailing party in the action 1142  
or proceeding. If the plaintiff is not the prevailing party, the 1143  
court may use its discretion in allocating court costs among the 1144  
parties to the action. 1145

(E) In any action or proceeding to enforce a provision of 1146  
this section the court may award to a plaintiff who prevails in 1147  
such action or proceeding reasonable attorney's fees, expert 1148  
witness fees, and other litigation expenses. If the plaintiff does 1149  
not receive a favorable judgment from the court in that action, 1150  
the court shall not require the plaintiff to reimburse the state 1151  
or the defendant for attorney's fees. 1152

(F) The director of administrative services shall adopt rules 1153  
in accordance with Chapter 119. of the Revised Code for the 1154  
implementation of this chapter with respect to persons in public 1155  
service. 1156

**Sec. 5903.99.** ~~Whoever violates sections 5903.01 and section~~ 1157  
5903.02 of the Revised Code may be fined not more than one 1158  
thousand dollars or imprisoned not more than six months, or both. 1159

**Sec. 5904.01.** (A) There is hereby created the Ohio veterans 1160  
hall of fame. The ~~governor's office~~ department of veterans ~~affairs~~ 1161  
services shall serve as the veterans hall of fame's administrative 1162  
agent. The veterans hall of fame shall recognize the post-military 1163  
achievements of outstanding veterans and spotlight all veterans' 1164  
contributions to the civilian workplace. 1165

(B) The Ohio veterans hall of fame shall have an executive 1166  
committee composed of thirteen members, all of whom shall be 1167  
veterans. The director of ~~the governor's office of~~ veterans 1168

~~affairs~~ services shall be an ex officio member. The ~~governor's~~ 1169  
~~office~~ department of veterans ~~affairs'~~ services' veterans advisory 1170  
committee, the advisory committee on women veterans, the Ohio 1171  
veterans hall of fame foundation, the Veterans of Foreign Wars, 1172  
the Disabled American Veterans, the AMVETS, the Vietnam Veterans 1173  
of America, and the American Legion shall each appoint one member. 1174

1175

The Ohio veterans hall of fame executive committee shall 1176  
appoint its final four members, one of whom shall be from any 1177  
veterans organization that is incorporated in this state and that 1178  
is not otherwise represented on the executive committee, one of 1179  
whom was inducted into the veterans hall of fame three years 1180  
before the current fiscal year, one of whom was inducted into the 1181  
veterans hall of fame two years before the current fiscal year, 1182  
and one of whom was inducted into the veterans hall of fame one 1183  
year before the current fiscal year. 1184

(C) Terms of office of the members of the Ohio veterans hall 1185  
of fame executive committee shall be for three years. Each member 1186  
shall serve subsequent to the expiration of the member's term 1187  
until the member's successor is appointed, or until sixty days has 1188  
elapsed, whichever occurs first. No member shall serve more than 1189  
two consecutive terms. 1190

(D) All vacancies in the membership of the Ohio veterans hall 1191  
of fame executive committee shall be filled in the same manner as 1192  
prescribed for original appointments, and the terms of the 1193  
appointees shall be limited to the unexpired terms. 1194

(E) The members of the Ohio veterans hall of fame executive 1195  
committee shall serve without compensation, but shall be 1196  
reimbursed for their actual and necessary expenses incurred in the 1197  
performance of their official duties. 1198

(F) The Ohio veterans hall of fame executive committee shall 1199



elect a chairperson and vice-chairperson from its membership. It 1200  
shall meet annually to select inductees for the veterans hall of 1201  
fame from the persons nominated in a manner prescribed by the 1202  
executive committee. The names of selected inductees shall be 1203  
submitted to the governor for final approval. The governor shall 1204  
provide any final approval within thirty days after the executive 1205  
committee submits the names of the selected inductees. The 1206  
governor may reject any of the selected inductees for cause, but 1207  
shall not make any additions to the list of those inductees. 1208

(G) Except as otherwise provided in this division, all state 1209  
elected officials, members of the general assembly, members of the 1210  
Ohio veterans hall of fame foundation, members of the veterans 1211  
hall of fame executive committee, members of the governor's staff, 1212  
members of the veterans hall of fame staff, and members of any 1213  
county veterans service commission, and the director of ~~the~~ 1214  
~~governor's office of veterans affairs~~ services, shall not be 1215  
eligible for induction into the veterans hall of fame until two 1216  
years after they have left their position. The executive committee 1217  
may waive the two-years requirement for nominees over the age of 1218  
seventy. 1219

(H) The Ohio veterans hall of fame executive committee is not 1220  
subject to sections 101.82 to 101.87 of the Revised Code. 1221

**Sec. 5907.01.** (A) As used in this chapter: 1222

(1) "Nursing home" means a nursing home within a veterans' 1223  
home. 1224

(2) "Veterans' home" means a veterans' home operated by the 1225  
Ohio veterans' home agency. 1226

(B) There is hereby established the Ohio veterans' home 1227  
agency ~~that~~ as part of the department of veterans services. The 1228  
agency shall maintain and operate veterans' and nursing homes for 1229

honorably discharged veterans. 1230

~~Sec. 5907.02. The board of trustees of the Ohio veterans'~~ 1231  
~~home agency, which is hereby created, shall consist of seven~~ 1232  
~~members who~~ director of veterans services shall govern the Ohio 1233  
veterans' home agency and have charge and custody of the agency's 1234  
facilities. ~~The members shall be the director of administrative~~ 1235  
~~services or that director's designee, the director of aging or~~ 1236  
~~that director's designee, and five members who shall be appointed~~ 1237  
~~by the governor with the advice and consent of the senate. All the~~ 1238  
~~members of the board appointed by the governor shall be veterans~~ 1239  
~~of wars in which the United States has participated, and not more~~ 1240  
~~than three of the members shall be of the same political party.~~ 1241  
~~The trustees shall serve without compensation, but they shall be~~ 1242  
~~allowed their actual expenses incurred in the discharge of their~~ 1243  
~~duties. Each year, the governor shall appoint one trustee. The~~ 1244  
~~term of office for each member of the board shall be for five~~ 1245  
~~years, commencing on the first day of July and ending on the~~ 1246  
~~thirtieth day of June. Each member shall hold office from the date~~ 1247  
~~of that member's appointment until the end of the term for which~~ 1248  
~~the member was appointed. Any member appointed to fill a vacancy~~ 1249  
~~occurring prior to the expiration of the term for which that~~ 1250  
~~member's predecessor was appointed shall hold office for the~~ 1251  
~~remainder of that term. Any member shall continue in office~~ 1252  
~~subsequent to the expiration date of that member's term until the~~ 1253  
~~member's successor takes office, or until a period of sixty days~~ 1254  
~~has elapsed, whichever occurs first. The board~~ director shall 1255  
govern, conduct, and care for veterans' homes, the property of the 1256  
homes, and the veterans residing in the home. 1257

~~Four members of the board constitute a quorum, but any three~~ 1258  
~~may approve the payment of current expenses, salaries, and open~~ 1259  
~~contracts previously entered into by the board.~~ 1260

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

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

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

Subject to section 5907.021 of the Revised Code, the superintendent shall appoint a chief of police of the Ohio veterans' home agency, determine the number of officers and other personnel required by each veterans' home, and establish salary schedules and other conditions of employment for veterans' homes police officers. The chief of police shall serve at the pleasure of the superintendent and shall appoint officers and other personnel as the veterans' homes may require, subject to the rules and limits that the superintendent establishes regarding qualifications, salary ranges, and the number of personnel. The superintendent, with the approval of the ~~board~~ director, may purchase or otherwise acquire any police apparatus, equipment, or materials, including a police communication system and vehicles, that the veterans' homes police officers may require. The superintendent may send one or more of the officers or employees

nominated by the police chief to a school of instruction designed 1293  
to provide additional training or skills related to their work 1294  
assignment at their veterans' home. The superintendent may send 1295  
those officers or employees to the Ohio peace officer training 1296  
academy that the superintendent considers appropriate. 1297

The ~~board~~ director shall make an annual report to the 1298  
governor as to all expenditures and as to the management of the 1299  
Ohio veterans' home agency. 1300

**Sec. 5907.022.** The ~~board of trustees of the Ohio veterans'~~ 1301  
~~home agency~~ director of veterans services may do either of the 1302  
following to expand nursing home care and domiciliary services to 1303  
veterans at sites other than the Ohio veterans' homes and nursing 1304  
homes: 1305

(A) Enter into contracts or agreements, including agreements 1306  
for the acceptance of grants, to construct, lease, purchase, or 1307  
otherwise acquire real property or facilities to establish a 1308  
network of facilities; 1309

(B) Enter into contracts with private providers. 1310

**Sec. 5907.023.** ~~Neither the~~ The Ohio veterans' home agency 1311  
established by section 5907.01 of the Revised Code ~~nor the board~~ 1312  
~~of trustees of the Ohio veterans' home agency created by section~~ 1313  
~~5907.02 of the Revised Code~~ is not subject to sections 101.82 to 1314  
101.87 of the Revised Code. 1315

**Sec. 5907.03.** The management and control of veterans' homes 1316  
shall be subject to such inspection and supervision as the 1317  
congress of the United States may require as a condition of making 1318  
appropriations for their maintenance. A person appointed or 1319  
designated by congress may make such inspection and exercise such 1320  
supervision, and, if so required by congress, the person may have 1321

and exercise the privileges of ~~a member of the board of trustees~~ 1322  
~~of the Ohio veterans' home agency~~ the director of veterans 1323  
services. 1324

**Sec. 5907.04.** ~~All~~ Subject to the following paragraph, all 1325  
members of the armed forces, who served in the regular or 1326  
volunteer forces of the United States or the Ohio national guard 1327  
or members of the naval militia during the war with Spain, the 1328  
Philippine insurrection, the China relief expedition, the Indian 1329  
war, the Mexican expedition, World War I, World War II, or during 1330  
the period beginning June 25, 1950 and ending July 19, 1953, known 1331  
as the Korean conflict, or during the period beginning August 5, 1332  
1964, and ending July 1, 1973, known as the Vietnam conflict, or 1333  
any person who is awarded either the armed forces expeditionary 1334  
medal established by presidential executive order 10977 dated 1335  
December 4, 1961, or the Vietnam service medal established by 1336  
presidential executive order 11231 dated July 8, 1965, who have 1337  
been honorably discharged or separated under honorable conditions 1338  
therefrom, or any discharged members of the Polish and 1339  
Czechoslovakian armed forces who served in armed conflict with an 1340  
enemy of the United States in World War I or World War II who have 1341  
been citizens of the United States for at least ten years, 1342  
provided that the above-mentioned persons have been citizens of 1343  
this state for five consecutive years or more at the date of 1344  
making application for admission, are disabled by disease, wounds, 1345  
or otherwise, and are by reason of such disability incapable of 1346  
earning their living, and all members of the Ohio national guard 1347  
or naval militia who have lost an arm or leg, or their sight, or 1348  
become permanently disabled from any cause, while in the line and 1349  
discharge of duty, and are not able to support themselves, may be 1350  
admitted to a veterans' home under such rules as the ~~board of~~ 1351  
~~trustees of the Ohio veterans' home agency~~ director of veterans 1352  
services adopts. 1353

A person who served in the armed forces of the United States 1354  
as defined in division (E)(7) of section 5903.11 of the Revised 1355  
Code is eligible for admission to a veterans' home under the 1356  
preceding paragraph only if the person has the characteristics 1357  
defined in division (B)(1) of section 5901.01 of the Revised Code. 1358

The superintendent of the Ohio veterans' home agency shall 1359  
promptly and diligently pursue the establishment of the 1360  
eligibility for medical assistance under Chapter 5111. of the 1361  
Revised Code of all persons admitted to a veterans' home and all 1362  
residents of a home who appear to qualify and shall promptly and 1363  
diligently pursue and maintain the certification of each home's 1364  
compliance with federal laws and regulations governing 1365  
participation in the medical assistance program to include as 1366  
large as possible a part of the home's bed capacity. 1367

Veterans' homes may reserve a bed during the temporary 1368  
absence of a resident or patient from the home, including a 1369  
nursing home within it, under conditions prescribed by the ~~board~~ 1370  
~~of trustees~~ director, to include hospitalization for an acute 1371  
condition, visits with relatives and friends, and participation in 1372  
therapeutic programs outside the home. A home shall not reserve a 1373  
bed for more than thirty days, except that absences for more than 1374  
thirty days due to hospitalization may be authorized. 1375

**Sec. 5907.11.** (A) The superintendent of the Ohio veterans' 1376  
home agency, with the approval of the ~~board of trustees of the~~ 1377  
~~agency~~ director of veterans services, may establish a local fund 1378  
for each veterans' home to be used for the entertainment and 1379  
welfare of the residents of the home. Each fund shall be 1380  
designated as the residents' benefit fund and shall be operated 1381  
for the exclusive benefit of the residents of the associated home. 1382  
Each fund shall receive all revenue from the sale of commissary 1383  
items at the associated home and shall receive all moneys received 1384

as donations by the associated home from any source. 1385

(B) The residents' benefit funds also may be used to receive 1386  
and disburse any donations made for events sponsored by the Ohio 1387  
veterans hall of fame. 1388

(C) The superintendent, subject to the approval of the ~~board~~ 1389  
~~of trustees~~ director, shall establish rules for the operation of 1390  
the residents' benefit funds. 1391

**Sec. 5907.12.** The ~~board of trustees of the Ohio veterans'~~ 1392  
~~home agency~~ director of veterans services may utilize the services 1393  
of volunteers to assist in attending to and caring for residents, 1394  
assisting in resident activities, caring for veterans' homes' 1395  
buildings and grounds, and participating in any other services 1396  
that accomplish any of the ~~board's~~ director's purposes related to 1397  
veterans' homes. All volunteer programs are subject to the ~~board's~~ 1398  
director's approval. The ~~board~~ director may recruit, train, and 1399  
supervise the services of community volunteers or volunteer groups 1400  
for volunteer programs. The ~~board~~ director may designate 1401  
volunteers as state employees for the purpose of motor vehicle 1402  
accident liability insurance under section 9.83 of the Revised 1403  
Code and for the purpose of indemnification from liability 1404  
incurred in the performance of their duties under section 9.87 of 1405  
the Revised Code. 1406

**Sec. 5907.13.** Residents of veterans' homes may be assessed a 1407  
fee to pay a portion of the expenses of their support, dependent 1408  
upon their ability to pay. Subject to controlling board approval, 1409  
the ~~board of trustees of the Ohio veterans' home agency~~ director 1410  
of veterans services shall adopt rules for determining a 1411  
resident's ability to pay. Each resident shall furnish the ~~board~~ 1412  
~~of trustees~~ director statements of income, assets, debts, and 1413  
expenses that the ~~board~~ director requires. 1414

All fees contributed by the residents under this section 1415  
shall be deposited into an interest-bearing account in a public 1416  
depository in accordance with section 135.18 of the Revised Code. 1417  
All of these fees shall be paid to the treasurer of state within 1418  
thirty days after the end of the month of receipt, together with 1419  
all interest credited to the account to date. The treasurer of 1420  
state shall credit eighty per cent of these fees and of this 1421  
interest to the Ohio veterans' homes operating fund and twenty per 1422  
cent of these fees and of this interest to the Ohio veterans' 1423  
homes fund. 1424

The fee for each resident shall be based upon the level of 1425  
care provided to the resident by the resident's home. The ~~board of~~ 1426  
~~trustees~~ director shall determine authorized levels of care for 1427  
residents. The assessment for each resident shall not exceed the 1428  
difference between the total per diem amount collected by the 1429  
state for maintenance from all sources on the resident's behalf 1430  
and the average annual per diem cost for the resident's 1431  
maintenance, computed in accordance with veterans administration 1432  
regulations. 1433

**Sec. 5907.141.** (A) All money received from the United States 1434  
department of veterans affairs in per diem grants for care that 1435  
veterans' homes provide shall be deposited in the state treasury 1436  
to the credit of the Ohio veterans' homes federal grant fund, 1437  
which is hereby created. Money credited to the fund shall be used 1438  
only for the operating costs of veterans' homes. 1439

(B) Any resident of a veterans' home whom the United States 1440  
department of veterans affairs determines to have excess income or 1441  
assets, or is denied per diem for any reason by the United States 1442  
department of veterans affairs, therefore rendering the home 1443  
ineligible to collect per diem grant reimbursement for days of 1444  
care provided to that resident, may be required to pay, in 1445



addition to the fees assessed under section 5907.13 of the Revised Code, an amount equal to the rate of per diem grant that the department denied for that particular resident. Any amount that the resident pays under this division shall be collected and distributed in the same manner as the fees assessed under section 5907.13 of the Revised Code.

**Sec. 5910.02.** There is hereby created an Ohio war orphans scholarship board ~~consisting~~ as part of the department of veterans services. The board consists of seven eight members as follows: the chancellor of the Ohio board of regents or the chancellor's designee; the director of veterans services or the director's designee; one member of the house of representatives, appointed by the speaker; one member of the senate, appointed by the president of the senate; and four members appointed by the governor, one of whom shall be a representative of the American Legion, one of whom shall be a representative of the Veterans of Foreign Wars, one of whom shall be a representative of the Disabled American Veterans, and one of whom shall be a representative of the AMVETS. At least ninety days prior to the expiration of the term of office of the representative of a veterans organization appointed by the governor, the governor shall notify the state headquarters of the affected organization of the need for an appointment and request the organization to make at least three nominations. Within sixty days after making the request for nominations, the governor may make the appointment from the nominations received, or may reject all the nominations and request at least three new nominations, from which the governor shall make an appointment within thirty days after making the request for the new nominations. If the governor receives no nominations during this thirty-day period, the governor may appoint any veteran.

Terms of office for the four members appointed by the governor shall be for four years, commencing on the first day of

January and ending on the thirty-first day of December, except 1478  
that the term of the AMVETS representative shall expire December 1479  
31, 1998, and the new term that succeeds it shall commence on 1480  
January 1, 1999, and end on December 31, 2002. Each member shall 1481  
hold office from the date of the member's appointment until the 1482  
end of the term for which the member was appointed. The other 1483  
members shall serve during their terms of office. Any vacancy 1484  
shall be filled by appointment in the same manner as by original 1485  
appointment. Any member appointed to fill a vacancy occurring 1486  
prior to the expiration of the term for which the member's 1487  
predecessor was appointed shall hold office for the remainder of 1488  
such term. Any appointed member shall continue in office 1489  
subsequent to the expiration date of the member's term until the 1490  
member's successor takes office, or until a period of sixty days 1491  
has elapsed, whichever occurs first. The members of the board 1492  
shall serve without pay but shall be reimbursed for travel 1493  
expenses and for other actual and necessary expenses incurred in 1494  
the performance of their duties, not to exceed ten dollars per day 1495  
for ten days in any one year to be appropriated out of any moneys 1496  
in the state treasury to the credit of the general revenue fund. 1497

The chancellor of the board of regents shall act as secretary 1498  
to the board and shall furnish such clerical and other assistance 1499  
as may be necessary to the performance of the duties of the board. 1500

The board shall determine the number of scholarships to be 1501  
made available, receive applications for scholarships, pass upon 1502  
the eligibility of applicants, decide which applicants are to 1503  
receive scholarships, and do all other things necessary for the 1504  
proper administration of this chapter. 1505

**Sec. 5923.05.** (A)(1) Permanent public employees who are 1506  
members of the Ohio organized militia or members of other reserve 1507  
components of the armed forces of the United States, including the 1508

Ohio national guard, are entitled to a leave of absence from their 1509  
respective positions without loss of pay for the time they are 1510  
performing service in the uniformed services, for periods of up to 1511  
one month, for each calendar year in which they are performing 1512  
service in the uniformed services. 1513

(2) As used in this section: 1514

(a) "Calendar year" means the year beginning on the first day 1515  
of January and ending on the last day of December. 1516

(b) "Month" means twenty-two eight-hour work days or one 1517  
hundred seventy-six hours within one calendar year. 1518

(c) ~~"Permanent public employees" and "uniformed services"~~ 1519  
~~have the same meanings as in section 5903.01 of the Revised Code~~ 1520  
employee" means any person holding a position in public employment 1521  
that requires working a regular schedule of twenty-six consecutive 1522  
biweekly pay periods, or any other regular schedule of comparable 1523  
consecutive pay periods, which is not limited to a specific season 1524  
or duration. "Permanent public employee" does not include student 1525  
help; intermittent, seasonal, or external interim employees; or 1526  
individuals covered by personal services contracts. 1527

(d) "State agency" means any department, bureau, board, 1528  
commission, office, or other organized body established by the 1529  
constitution or laws of this state for the exercise of any 1530  
function of state government, the general assembly, all 1531  
legislative agencies, the supreme court, the court of claims, and 1532  
the state-supported institutions of higher education. 1533

(e) "Service in the uniformed services" means the performance 1534  
of duty, on a voluntary or involuntary basis, in a uniformed 1535  
service, under competent authority, and includes active duty, 1536  
active duty for training, initial active duty for training, 1537  
inactive duty for training, full-time national guard duty, and 1538  
performance of duty or training by a member of the Ohio organized 1539

militia pursuant to Chapter 5923. of the Revised Code. "Service in 1540  
the uniformed services" includes also the period of time for which 1541  
a person is absent from a position of public or private employment 1542  
for the purpose of an examination to determine the fitness of the 1543  
person to perform any duty described in this division. 1544

(f) "Uniformed services" means the armed forces, the Ohio 1545  
organized militia when engaged in active duty for training, 1546  
inactive duty training, or full-time national guard duty, the 1547  
commissioned corps of the public health service, and any other 1548  
category of persons designated by the president of the United 1549  
States in time of war or emergency. 1550

(B) Except as otherwise provided in division (D) of this 1551  
section, any permanent public employee who is employed by a 1552  
political subdivision, who is entitled to the leave provided under 1553  
division (A) of this section, and who is called or ordered to the 1554  
uniformed services for longer than a month, for each calendar year 1555  
in which the employee performed service in the uniformed services, 1556  
because of an executive order issued by the president of the 1557  
United States, because of an act of congress, or because of an 1558  
order to perform duty issued by the governor pursuant to section 1559  
5919.29 of the Revised Code is entitled, during the period 1560  
designated in the order or act, to a leave of absence and to be 1561  
paid, during each monthly pay period of that leave of absence, the 1562  
lesser of the following: 1563

(1) The difference between the permanent public employee's 1564  
gross monthly wage or salary as a permanent public employee and 1565  
the sum of the permanent public employee's gross uniformed pay and 1566  
allowances received that month; 1567

(2) Five hundred dollars. 1568

(C) Except as otherwise provided in division (D) of this 1569  
section, any permanent public employee who is employed by a state 1570

agency, who is entitled to the leave provided under division (A) 1571  
of this section, and who is called or ordered to the uniformed 1572  
services for longer than a month, for each calendar year in which 1573  
the employee performed service in the uniformed services, because 1574  
of an executive order issued by the president of the United 1575  
States, because of an act of congress, or because of an order to 1576  
perform duty issued by the governor pursuant to section 5919.29 or 1577  
5923.21 of the Revised Code is entitled, during the period 1578  
designated in the order or act, to a leave of absence and to be 1579  
paid, during each monthly pay period of that leave of absence, the 1580  
difference between the permanent public employee's gross monthly 1581  
wage or salary as a permanent public employee and the sum of the 1582  
permanent public employee's gross uniformed pay and allowances 1583  
received that month. 1584

(D) No permanent public employee shall receive payments under 1585  
division (B) or (C) of this section if the sum of the permanent 1586  
public employee's gross uniformed pay and allowances received in a 1587  
pay period exceeds the employee's gross wage or salary as a 1588  
permanent public employee for that period or if the permanent 1589  
public employee is receiving pay under division (A) of this 1590  
section. 1591

(E) Any political subdivision of the state, as defined in 1592  
section 2744.01 of the Revised Code, may elect to pay any of its 1593  
permanent public employees who are entitled to the leave provided 1594  
under division (A) of this section and who are called or ordered 1595  
to the uniformed services for longer than one month, for each 1596  
calendar year in which the employee performed service in the 1597  
uniformed services, because of an executive order issued by the 1598  
president or an act of congress, such payments, in addition to 1599  
those payments required by division (B) of this section, as may be 1600  
authorized by the legislative authority of the political 1601  
subdivision. 1602

(F) Each permanent public employee who is entitled to leave 1603  
provided under division (A) of this section shall submit to the 1604  
permanent public employee's appointing authority the published 1605  
order authorizing the call or order to the uniformed services or a 1606  
written statement from the appropriate military commander 1607  
authorizing that service, prior to being credited with that leave. 1608

(G) Any permanent public employee of a political subdivision 1609  
whose employment is governed by a collective bargaining agreement 1610  
with provision for the performance of service in the uniformed 1611  
services shall abide by the terms of that collective bargaining 1612  
agreement with respect to the performance of that service, except 1613  
that no collective bargaining agreement may afford fewer rights 1614  
and benefits than are conferred under this section. 1615

**Section 2.** That existing sections 121.02, 121.03, 2311.07, 1616  
2311.08, 2743.03, 3313.616, 3319.13, 4112.01, 5901.02, 5901.021, 1617  
5901.07, 5901.09, 5902.01, 5902.02, 5902.03, 5902.04, 5902.06, 1618  
5902.07, 5902.08, 5902.15, 5903.02, 5903.99, 5904.01, 5907.01, 1619  
5907.02, 5907.022, 5907.023, 5907.03, 5907.04, 5907.11, 5907.12, 1620  
5907.13, 5907.141, 5910.02, and 5923.05 of the Revised Code are 1621  
hereby repealed. 1622

**Section 3.** That sections 124.29, 5902.05, and 5903.01 of the 1623  
Revised Code are hereby repealed. 1624

**Section 4.** Chapter 5902. of the Revised Code shall be known 1625  
as "Department of Veterans Services." 1626

**Section 5.** On the effective date of this section, the 1627  
Governor's Office of Veterans Affairs is abolished and its 1628  
functions, and its assets and liabilities, are transferred to the 1629  
Department of Veterans Services. The Department of Veterans 1630  
Services is successor to, assumes the obligations and authority 1631

of, and otherwise continues the Governor's Office of Veterans Affairs. No right, privilege, or remedy, and no duty, liability, or obligation, accrued under the Governor's Office of Veterans Affairs is impaired or lost by reason of the transfer and shall be recognized, administered, performed, or enforced by the Department of Veterans Services.

Business commenced but not completed by the Governor's Office of Veterans Affairs or by the Director of the Governor's Office of Veterans Affairs shall be completed by the Department of Veterans Services or the Director of Veterans Services in the same manner, and with the same effect, as if completed by the Governor's Office of Veterans Affairs or the Director of the Governor's Office of Veterans Affairs.

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 Services, until modified or rescinded by the Department of Veterans Services. 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 Services.

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 Services 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 Services. The

Director of the Governor's Office of Veterans Affairs shall 1664  
provide full and timely information to the Controlling Board to 1665  
facilitate the transfer. 1666

Whenever the Governor's Office of Veterans Affairs or the 1667  
Director of the Governor's Office of Veterans Affairs is referred 1668  
to in a statute, contract, or other instrument, the reference is 1669  
deemed to refer to the Department of Veterans Services or to the 1670  
Director of Veterans Services, whichever is appropriate in 1671  
context. 1672

No pending action or proceeding being prosecuted or defended 1673  
in court or before an agency by the Governor's Office of Veterans 1674  
Affairs or the Director of the Governor's Office of Veterans 1675  
Affairs is affected by the transfer and shall be prosecuted or 1676  
defended in the name of Department of Veterans Services or the 1677  
Director of Veterans Services, whichever is appropriate. Upon 1678  
application to the court or agency, the Department of Veterans 1679  
Services or the Director of Veterans Services shall be substituted 1680  
as a party. 1681

**Section 6.** On the effective date of this section, the Ohio 1682  
Veterans' Home Agency is abolished and its functions, and its 1683  
assets and liabilities, are transferred to the Department of 1684  
Veterans Services. The Department of Veterans Services is 1685  
successor to, assumes the obligations and authority of, and 1686  
otherwise continues the Ohio Veterans' Home Agency. No right, 1687  
privilege, or remedy, and no duty, liability, or obligation, 1688  
accrued under the Ohio Veterans' Home Agency is impaired or lost 1689  
by reason of the transfer and shall be recognized, administered, 1690  
performed, or enforced by the Department of Veterans Services. 1691

Business commenced but not completed by the Ohio Veterans' 1692  
Home Agency or its Board of Trustees shall be completed by the 1693  
Department of Veterans Services or the Director of Veterans 1694  
Services in the same manner, and with the same effect, as if 1695



completed by the Ohio Veterans' Home Agency or its Board of Trustees. 1696  
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All the rules, orders, and determinations of the Ohio Veterans' Home Agency or its Board of Trustees continue in effect as rules, orders, and determinations of the Department of Veterans Services, until modified or rescinded by the Department of Veterans Services. 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 Ohio Veterans' Home Agency or its Board of Trustees to reflect their transfer to the Department of Veterans Services. 1698  
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Subject to the layoff provisions of sections 124.321 to 124.382 of the Revised Code, all employees of the Ohio Veterans' Home Agency are transferred to the Department of Veterans Services and retain their positions and all benefits accruing thereto. 1707  
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The Director of Budget and Management shall determine the amount of unexpended balances in the appropriation accounts that pertain to the Ohio Veterans' Home Agency and shall recommend to the Controlling Board their transfer to appropriation accounts that pertain to the Department of Veterans Services. The Board of Trustees of the Ohio Veterans' Home Agency shall provide full and timely information to the Controlling Board to facilitate the transfer. 1711  
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Whenever the Ohio Veterans' Home Agency or its Board of Trustees is referred to in a statute, contract, or other instrument, the reference is deemed to refer to the Department of Veterans Services or to the Director of Veterans Services, whichever is appropriate in context. 1719  
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No pending action or proceeding being prosecuted or defended in court or before an agency by the Ohio Veterans' Home Agency or its Board of Trustees is affected by the transfer and shall be 1724  
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prosecuted or defended in the name of the Department of Veterans	1727
Services or the Director of Veterans Services, whichever is	1728
appropriate. Upon application to the court or agency, the	1729
Department of Veterans Services or the Director of Veterans	1730
Services shall be substituted as a party.	1731