

**As Reported by the Senate Finance and Financial Institutions
Committee**

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

Senator Spada

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

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A B I L L

To amend sections 121.02, 121.03, 3313.616, 5901.02, 1
5901.021, 5901.07, 5901.09, 5902.01, 5902.02, 2
5902.03, 5902.04, 5902.06, 5902.07, 5902.08, 3
5902.15, 5904.01, 5907.01, 5907.02, 5907.022, 4
5907.023, 5907.03, 5907.04, 5907.11, 5907.12, 5
5907.13, 5907.141, and 5910.02, to enact section 6
5902.09, and to repeal section 5902.05 of the 7
Revised Code to create a Department of Veterans 8
Services and a Director of Veterans Services, to 9
create duties for the department and the director, 10
to transfer the duties of the Governor's Office of 11
Veterans Affairs to the department, and to place 12
the Ohio Veterans' Home Agency and the Ohio War 13
Orphans Scholarship Board under the department. 14
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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 121.02, 121.03, 3313.616, 5901.02, 16
5901.021, 5901.07, 5901.09, 5902.01, 5902.02, 5902.03, 5902.04, 17
5902.06, 5902.07, 5902.08, 5902.15, 5904.01, 5907.01, 5907.02, 18

5907.022, 5907.023, 5907.03, 5907.04, 5907.11, 5907.12, 5907.13, 19
5907.141, and 5910.02 be amended and that section 5902.09 of the 20
Revised Code be enacted to read as follows: 21

Sec. 121.02. The following administrative departments and 22
their respective directors are hereby created: 23

(A) The office of budget and management, which shall be 24
administered by the director of budget and management; 25

(B) The department of commerce, which shall be administered 26
by the director of commerce; 27

(C) The department of administrative services, which shall be 28
administered by the director of administrative services; 29

(D) The department of transportation, which shall be 30
administered by the director of transportation; 31

(E) The department of agriculture, which shall be 32
administered by the director of agriculture; 33

(F) The department of natural resources, which shall be 34
administered by the director of natural resources; 35

(G) The department of health, which shall be administered by 36
the director of health; 37

(H) The department of job and family services, which shall be 38
administered by the director of job and family services; 39

(I) Until July 1, 1997, the department of liquor control, 40
which shall be administered by the director of liquor control; 41

(J) The department of public safety, which shall be 42
administered by the director of public safety; 43

(K) The department of mental health, which shall be 44
administered by the director of mental health; 45

(L) The department of mental retardation and developmental 46

disabilities, which shall be administered by the director of 47
mental retardation and developmental disabilities; 48

(M) The department of insurance, which shall be administered 49
by the superintendent of insurance as director thereof; 50

(N) The department of development, which shall be 51
administered by the director of development; 52

(O) The department of youth services, which shall be 53
administered by the director of youth services; 54

(P) The department of rehabilitation and correction, which 55
shall be administered by the director of rehabilitation and 56
correction; 57

(Q) The environmental protection agency, which shall be 58
administered by the director of environmental protection; 59

(R) The department of aging, which shall be administered by 60
the director of aging; 61

(S) The department of alcohol and drug addiction services, 62
which shall be administered by the director of alcohol and drug 63
addiction services; 64

(T) The department of veterans services, which shall be 65
administered by the director of veterans services. 66

The director of each department shall exercise the powers and 67
perform the duties vested by law in such department. 68

Sec. 121.03. The following administrative department heads 69
shall be appointed by the governor, with the advice and consent of 70
the senate, and shall hold their offices during the term of the 71
appointing governor, and are subject to removal at the pleasure of 72
the governor. 73

(A) The director of budget and management; 74

(B) The director of commerce; 75

(C) The director of transportation;	76
(D) The director of agriculture;	77
(E) The director of job and family services;	78
(F) Until July 1, 1997, the director of liquor control;	79
(G) The director of public safety;	80
(H) The superintendent of insurance;	81
(I) The director of development;	82
(J) The tax commissioner;	83
(K) The director of administrative services;	84
(L) The director of natural resources;	85
(M) The director of mental health;	86
(N) The director of mental retardation and developmental disabilities;	87 88
(O) The director of health;	89
(P) The director of youth services;	90
(Q) The director of rehabilitation and correction;	91
(R) The director of environmental protection;	92
(S) The director of aging;	93
(T) The director of alcohol and drug addiction services;	94
(U) The administrator of workers' compensation who meets the qualifications required under division (A) of section 4121.121 of the Revised Code;	95 96 97
<u>(V) The director of veterans services who meets the</u> <u>qualifications required under section 5902.01 of the Revised Code.</u>	98 99
Sec. 3313.616. (A) Notwithstanding the requirements of sections 3313.61, 3313.611, and 3313.612 of the Revised Code, the	100 101

board of education of any city, exempted village, or local school 102
district or the governing authority of any chartered nonpublic 103
school may grant a high school diploma to any veteran of World War 104
II, the Korean conflict, or the Vietnam conflict who is a resident 105
of this state or who was previously enrolled in any high school in 106
this state if all of the following apply: 107

(1) The veteran either: 108

(a) Left a public or nonpublic school located in any state 109
prior to graduation in order to serve in the armed forces of the 110
United States; 111

(b) Left a public or nonpublic school located in any state 112
prior to graduation due to family circumstances and subsequently 113
entered the armed forces of the United States. 114

(2) The veteran received an honorable discharge from the 115
armed forces of the United States. 116

(3) The veteran has not been granted a diploma as provided in 117
section 3313.61 or 3313.612 of the Revised Code, a diploma of 118
adult education as provided in section 3313.611 of the Revised 119
Code, or a diploma under this section. 120

(B) Notwithstanding the requirements of sections 3313.61, 121
3313.611, and 3313.612 of the Revised Code, the board of education 122
of any city, exempted village, or local school district or the 123
governing authority of any chartered nonpublic school may grant a 124
high school diploma to any woman who left high school during World 125
War II, the Korean conflict, or the Vietnam conflict and who is a 126
resident of this state or was previously enrolled in any high 127
school in this state, if both of the following apply: 128

(1) The woman either: 129

(a) Left a public or nonpublic school located in any state 130
prior to graduation in order to join the workforce to support her 131

family or to join the war effort; 132

(b) Left a public or nonpublic school located in any state 133
prior to graduation due to family circumstances and subsequently 134
joined the workforce or war effort. 135

(2) The woman has not been granted a diploma as provided in 136
section 3313.61 or 3313.612 of the Revised Code, a diploma of 137
adult education as provided in section 3313.611 of the Revised 138
Code, or a diploma under this section. 139

(C) If a person who would otherwise qualify for a diploma 140
under this section is deceased, the board of education of any 141
school district or the governing authority of any chartered 142
nonpublic school may award such diploma to the person posthumously 143
and may present that diploma to a living relative of the person. 144

(D) The ~~governor's office~~ department of ~~veterans' affairs~~ 145
veterans services, in accordance with section 111.15 of the 146
Revised Code, and with the advice and consent of the veterans 147
advisory committee established under division (K) of section 148
5902.02 of the Revised Code, shall develop and adopt rules to 149
implement this section. Such rules shall include, but not be 150
limited to, rules establishing procedures for application and 151
verification of eligible persons for a diploma under this section. 152
153

Sec. 5901.02. In each county there shall be a commission 154
known as "the veterans service commission." Except as provided in 155
section 5901.021 of the Revised Code, the commission shall be 156
composed of five residents of the county appointed to five-year 157
terms by a judge of the court of common pleas. At the time of 158
appointment or reappointment to the commission, no commission 159
member appointed under this section shall be an employee of the 160
commission or hold an elective or other appointive office of the 161
county served by the commission. 162

Each member of the commission appointed under this section 163
shall be an honorably discharged or honorably separated veteran. 164
Within sixty days after the date of appointment, each such member 165
shall file the member's form DD214 with the ~~governor's office~~ 166
department of veterans ~~affairs~~ services in accordance with 167
guidelines established by the director of that ~~office~~ department. 168
Such appointments shall be made from lists of recommended persons, 169
in the manner specified in the following paragraph. One person 170
shall be a representative recommended by the American Legion; one 171
person shall be a representative recommended by the Veterans of 172
Foreign Wars; one person shall be a representative recommended by 173
the Disabled American Veterans; one person shall be a 174
representative recommended by the AMVETS; and one person shall be 175
a representative recommended by the Military Order of the Purple 176
Heart of the U.S.A., the Vietnam Veterans of America, or the 177
Korean War Veterans Association. If any such organization has no 178
post or chapter located in the county, the appointment shall be 179
made from lists of recommended persons submitted by posts or 180
chapters of any other congressionally chartered veterans 181
organizations located in the county. If no such other 182
organizations have posts or chapters located in the county, the 183
judge responsible for making appointments under this section may 184
appoint any qualified veteran to represent the veteran community. 185

On or before the fifteenth day of October of each year, the 187
appointing judge shall notify each post or chapter of each 188
organization within the county from which the member may or must 189
be appointed that it may submit a list containing three 190
recommendations of persons who are eligible for appointment. If 191
the judge does not receive any recommendations within sixty days 192
after providing the required notification, the judge may appoint 193
any qualified veteran to represent the veteran community. The 194
judge shall make the appointment on or before the fifteenth day of 195

January of each year. Any vacancy in a membership appointed under 196
this section shall be filled in the same manner as the original 197
appointments. 198

Beginning in the year 2000, appointment of members to the 199
commission under this section shall be made as follows: 200

(A) Appointments for members to represent the American Legion 201
shall be made for terms to commence in years ending in zero and 202
five. 203

(B) Appointments for members to represent the Veterans of 204
Foreign Wars shall be made for terms to commence in years ending 205
in one and six. 206

(C) Appointments for members to represent the Disabled 207
American Veterans shall be made for terms to commence in years 208
ending in two and seven. 209

(D) Appointments for members to represent the AMVETS shall be 210
made for terms to commence in years ending in three and eight. 211

(E) Appointments for members to represent the Military Order 212
of the Purple Heart of the U.S.A., the Vietnam Veterans of 213
America, or the Korean War Veterans Association shall be made for 214
terms to commence in years ending in four and nine. 215

The terms immediately preceding the initial appointments made 216
under divisions (A) to (E) of this section may be for periods of 217
less than five years. 218

The appointing authority shall remove a member who fails to 219
maintain certification or whose certification is revoked by the 220
director of veterans services. 221

Sec. 5901.021. (A) This section applies only to counties 222
having a population, according to the most recent decennial 223
census, of more than five hundred thousand. 224

(B)(1) In any county that is described in division (A) of 225
this section and in which the veterans service commission submits 226
a budget request under section 5901.11 of the Revised Code for the 227
ensuing fiscal year that exceeds twenty-five-thousandths of one 228
per cent of the assessed value of property in the county or the 229
amount appropriated to the commission from the county general fund 230
in the current fiscal year by more than ten per cent of that 231
appropriation, the board of county commissioners, by resolution, 232
may create not more than six memberships on the veterans service 233
commission in addition to the memberships provided for by section 234
5901.02 of the Revised Code. The board shall prescribe the number 235
of years the additional memberships shall exist, which shall not 236
exceed five years. Once a board of county commissioners creates 237
any additional memberships, it may not create further additional 238
memberships under this section if the total number of such 239
memberships would exceed six. The board shall appoint persons who 240
are residents of the county and who are honorably discharged or 241
honorably separated veterans to each of the additional 242
memberships, for terms prescribed by the board and commencing on a 243
date fixed by the board. Each person appointed to an additional 244
membership shall file, within sixty days after the date of the 245
appointment, the person's form DD214 with the ~~governor's office~~ 246
department of veterans ~~affairs~~ services in accordance with 247
guidelines established by the director of that ~~office~~ department. 248

(2) If the board of county commissioners appoints additional 250
members as described in division (B)(1) of this section, the board 251
may permit the commission to submit an original or revised budget 252
request for the ensuing fiscal year later than the last Monday in 253
May, as otherwise required under section 5901.11 of the Revised 254
Code. 255

(C) The board of county commissioners may remove, for cause, 256

any member appointed under this section. The board shall determine 257
whether the additional members may be reappointed upon the 258
expiration of their terms, and shall fill any vacancy in an 259
additional membership for the unexpired term in the manner 260
provided for the original appointment. 261

Sec. 5901.07. The veterans service commission shall employ 262
one or more county veterans service officers, one of whom may act 263
as executive director. Each service officer shall be a veteran. 264
Within sixty days after the date of initial employment, each 265
service officer shall file a copy of the officer's form DD214 with 266
the ~~governor's office~~ department of veterans ~~affairs~~ services in 267
accordance with guidelines established by the director of that 268
~~office~~ department. Each service officer shall be employed in the 269
classified service and is exempt from civil service examination. 270
The commission may remove a veterans service officer who fails to 271
maintain accreditation or whose certification is revoked by the 272
director of veterans services. The service officers shall advise 273
and assist present and former members of the armed forces of the 274
United States, veterans, and their spouses, surviving spouses, 275
children, parents, and dependents in presenting claims or 276
obtaining rights or benefits under any law of the United States or 277
of this state. 278

The commission shall employ each service officer on a part- 279
or full-time basis and fix the officer's compensation. No county 280
commissioner or member of the veterans service commission shall be 281
employed as a service officer. 282

The commission shall employ the necessary clerks, 283
stenographers, and other personnel to assist the service officers 284
in the performance of duties and shall fix their compensation. 285
Each of these employees shall be a veteran or, if a qualified 286
veteran is not available, the spouse, surviving spouse, child, or 287

parent of a veteran. Each of these employees shall be employed in 288
the classified service and is exempt from civil service 289
examination. 290

The board of county commissioners, upon the recommendation or 291
approval of the veterans service commission, may provide suitable 292
office space, supplies, and office and incidental expenses for 293
each service officer. The compensation of each service officer and 294
of any employee and any expenses incurred under this section shall 295
be paid out of funds appropriated to the commission, as provided 296
in section 5901.11 of the Revised Code. 297

Sec. 5901.09. (A) Each applicant for financial assistance 298
under sections 5901.01 to 5901.15 of the Revised Code shall 299
provide the veterans service commission with a statement 300
concerning the applicant's household income and the amount of real 301
and personal taxable property, stocks, bonds, moneys on hand 302
loaned or deposited in any bank or elsewhere, shares in building 303
associations, mortgages, notes, or other articles of value from 304
which the applicant derives an income or revenue. The statement 305
shall be made upon blanks furnished by the commission and shall be 306
subscribed by the applicant. 307

Statements provided under this division shall not include 308
medical records and, pursuant to division (B) of this section, are 309
not public records under section 149.43 of the Revised Code. 310
Veterans service commissions may compile statistical data from the 311
statements in a manner to be prescribed by the ~~governor's office~~ 312
department of veterans affairs services. These data shall be 313
considered a matter of public record. 314

(B) The following are not public records under section 149.43 315
of the Revised Code: 316

(1) A statement described in division (A) of this section; 317

(2) Any application for financial assistance under sections 5901.01 to 5901.15 of the Revised Code;	318 319
(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;	320 321 322
(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;	323 324 325 326 327 328 329 330
(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.	331 332 333 334 335 336
(C) Interviews of applicants for financial assistance under sections 5901.01 to 5901.15 of the Revised Code, discussions of the applications, statements, and other documents described in division (B) of this section, and reviews of matters relating to applicants' requests for financial assistance under sections 5901.01 to 5901.15 of the Revised Code shall be kept confidential. In accordance with division (J) of section 121.22 of the Revised Code, a veterans service commission shall conduct a meeting of the commission or a portion of a meeting of the commission to interview an applicant for financial assistance under sections 5901.01 to 5901.15 of the Revised Code, to discuss an application, statement, or other document described in division (B) of this section, or to review matters relating to an applicant's request	337 338 339 340 341 342 343 344 345 346 347 348 349

for financial assistance under sections 5901.01 to 5901.15 of the Revised Code in an executive session.

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

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

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

(b) The specific information requested;

(c) The intended use of the information requested;	381
(d) The date of the request for the information;	382
(e) The signature of the person who consents to the release of the information.	383 384
(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 applicant <u>application</u> , statement, or document is relevant to a suspected violation of law.	385 386 387 388 389 390 391
(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:	392 393 394 395
(i) The information contained in the application, statement, or document is relevant and material to the matter before the court.	396 397 398
(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.	399 400 401 402 403 404
(iii) No other reasonable mean exists to obtain the information contained in the application, statement, or document.	405 406
(b) If the party to a matter pending before a court proves all of the elements in division (E)(3)(a) of this section, the court may order the disclosure of an application, statement, or document described in division (B) of this section. For purposes	407 408 409 410

of this division the court shall do all of the following: 411

(i) Indicate the specific application, statement, or document 412
to be disclosed; 413

(ii) Indicate the purpose for the disclosure of the 414
application, statement, or ~~document~~ document; 415

(iii) Indicate the person to whom the application, statement, 416
or document will be disclosed. 417

Sec. 5902.01. ~~There is hereby established within the office~~ 418
~~of the governor the governor's office of veterans affairs. The~~ 419
~~governor shall appoint, with the advice and consent of the senate,~~ 420
~~a chief executive assistant, who~~ The person appointed to the 421
position of director of veterans services shall be an honorably 422
discharged or honorably separated veteran of the United States 423
armed forces, ~~to be known as director of the governor's office of~~ 424
~~veterans affairs. The governor's office~~ department of veterans 425
affairs services shall employ ~~such other~~ administrative and 426
technical personnel as are necessary to perform the general and 427
specific duties of the ~~office~~ department. ~~The administrative~~ 428
~~assistants and technical personnel shall be honorably discharged~~ 429
~~or honorably separated veterans of the United States armed forces,~~ 430
~~and shall be employed in the classified service and not be~~ 431
~~considered employees of the governor's office for purposes of~~ 432
~~division (A)(16) of section 124.11 or division (B)(2) of section~~ 433
~~124.14 of the Revised Code. Each individual employed in the~~ 434
~~clerical staff shall be an honorably discharged or honorably~~ 435
~~separated veteran or, if a qualified veteran is not available, the~~ 436
~~spouse, surviving spouse, child, or parent of an honorably~~ 437
~~discharged or honorably separated veteran, and shall be employed~~ 438
~~in the classified service and not be considered an employee of the~~ 439
~~governor's office for purposes of division (A)(16) of section~~ 440
~~124.11 of the Revised Code. For positions within the department,~~ 441

the director shall adopt rules under Chapter 119. of the Revised 442
Code establishing a program, which the director shall implement, 443
giving hiring preferences to veterans. 444

Sec. 5902.02. The duties of the director of ~~the governor's~~ 445
~~office of veterans affairs services~~ shall include the following: 446

(A) Furnishing the veterans service commissions of all 447
counties of the state copies of the state laws, rules, and 448
legislation relating to the operation of the commissions and their 449
offices; 450

(B) Upon application, assisting the general public in 451
obtaining records of vital statistics pertaining to veterans or 452
their dependents; 453

(C) Adopting rules pursuant to Chapter 119. of the Revised 454
Code pertaining to minimum qualifications for hiring, certifying, 455
and accrediting county veterans service officers ~~and,~~ pertaining 456
to their required duties, and pertaining to revocation of the 457
certification of county veterans service officers; 458

(D) Adopting rules pursuant to Chapter 119. of the Revised 459
Code for the education, training, certification, and duties of 460
veterans service commissioners and for the revocation of the 461
certification of a veterans service commissioner; 462

(E) Developing and monitoring programs and agreements 463
enhancing employment and training for veterans in single or 464
multiple county areas; 465

(F) Developing and monitoring programs and agreements to 466
enable county veterans service commissions to address 467
homelessness, indigency, and other veteran-related issues 468
individually or jointly; 469

(G) Developing and monitoring programs and agreements to 470
enable state agencies, individually or jointly, that provide 471

services to veterans, including the veterans' homes operated under 472
Chapter 5907. of the Revised Code and the director of job and 473
family services, to address homelessness, indigency, employment, 474
and other veteran-related issues; 475

(H) Establishing and providing statistical reporting formats 476
and procedures for county veterans service commissions; 477

(I) Publishing annually, promulgating change notices for, and 478
distributing a listing of county veterans service officers, county 479
veterans service commissioners, state directors of veterans 480
affairs, and national and state service officers of accredited 481
veterans organizations and their state headquarters. The listing 482
shall include the expiration dates of commission members' terms of 483
office and the organizations they represent; the names, addresses, 484
and telephone numbers of county veterans service officers and 485
state directors of veterans affairs; and the addresses and 486
telephone numbers of the Ohio offices and headquarters of state 487
and national veterans service organizations. 488

(J) Publishing, by the first day of April of each 489
odd-numbered year, a directory of the laws of this state dealing 490
with veterans, as enacted through the conclusion of the previous 491
session of the general assembly, and distributing the publication 492
to each county veterans service office and the state headquarters 493
of each congressionally chartered veterans organization in the 494
state; 495

(K) Establishing a veterans advisory committee to advise and 496
assist the ~~governor's office~~ department of veterans ~~affairs~~ 497
services in its duties. Members shall include a state 498
representative of congressionally chartered veterans organizations 499
referred to in section 5901.02 of the Revised Code, a 500
representative of any other congressionally chartered state 501
veterans organization that has at least one veterans service 502
commissioner in the state, three representatives of the Ohio state 503

association of county veterans service commissioners, who shall 504
have a combined vote of one, three representatives of the state 505
association of county veterans service officers, who shall have a 506
combined vote of one, one representative of the county 507
commissioners association of Ohio, who shall be a county 508
commissioner not from the same county as any of the other county 509
representatives, a representative of the advisory committee on 510
women veterans, a representative of a labor organization, and a 511
representative of the office of the attorney general. The 512
~~governor's office~~ department of veterans ~~affairs~~ services shall 513
submit to the advisory committee proposed rules for the 514
committee's operation. The committee may review and revise these 515
proposed rules prior to submitting them to the joint committee on 516
agency rule review. 517

(L) Adopting, with the advice and assistance of the veterans 518
advisory committee, policy and procedural guidelines that the 519
veterans service commissions shall adhere to in the development 520
and implementation of rules, policies, procedures, and guidelines 521
for the administration of Chapter 5901. of the Revised Code. The 522
~~governor's office~~ department of veterans ~~affairs~~ services shall 523
adopt no guidelines or rules regulating the purposes, scope, 524
duration, or amounts of financial assistance provided to 525
applicants pursuant to sections 5901.01 to 5901.15 of the Revised 526
Code. The director of ~~the governor's office of~~ veterans ~~affairs~~ 527
services may obtain opinions from the office of the attorney 528
general regarding rules, policies, procedures, and guidelines of 529
the veterans service commissions and may enforce compliance with 530
Chapter 5901. of the Revised Code. 531

(M) Receiving copies of form DD214 filed in accordance with 532
the director's guidelines adopted under division (L) of this 533
section from members of veterans service commissions appointed 534
under section 5901.02 and from county veterans service officers 535

employed under section 5901.07 of the Revised Code; 536

(N) Developing and maintaining and improving a resource, such 537
as a telephone answering point or a web site, by means of which 538
veterans and their dependents, through a single portal, can access 539
multiple sources of information and interaction with regard to the 540
rights of, and the benefits available to, veterans and their 541
dependents. The director of veterans services may enter into 542
agreements with state and federal agencies, with agencies of 543
political subdivisions, with state and local instrumentalities, 544
and with private entities as necessary to make the resource as 545
complete as is possible. 546

(O) Planning, organizing, advertising, and conducting 547
outreach efforts, such as conferences and fairs, at which veterans 548
and their dependents may meet, learn about the organization and 549
operation of the department of veterans services and of veterans 550
service commissions, and obtain information about the rights of, 551
and the benefits and services available to, veterans and their 552
dependents; 553

(P) Advertising, in print, on radio and television, and 554
otherwise, the rights of, and the benefits and services available 555
to, veterans and their dependents; 556

(Q) Developing and advocating improved benefits and services 557
for, and improved delivery of benefits and services to, veterans 558
and their dependents; 559

(R) Searching for, identifying, and reviewing statutory and 560
administrative policies that relate to veterans and their 561
dependents and reporting to the general assembly statutory and 562
administrative policies that should be consolidated in whole or in 563
part within the organization of the department of veterans 564
services to unify funding, delivery, and accounting of statutory 565
and administrative policy expressions that relate particularly to 566

<u>veterans and their dependents;</u>	567
<u>(S) Encouraging veterans service commissions to innovate and</u>	568
<u>otherwise to improve efficiency in delivering benefits and</u>	569
<u>services to veterans and their dependents and to report successful</u>	570
<u>innovations and efficiencies to the director of veterans services;</u>	571
<u>(T) Publishing and encouraging adoption of successful</u>	572
<u>innovations and efficiencies veterans service commissions have</u>	573
<u>achieved in delivering benefits and services to veterans and their</u>	574
<u>dependents;</u>	575
<u>(U) Establishing advisory committees, in addition to the</u>	576
<u>veterans advisory committee established under division (K) of this</u>	577
<u>section, on veterans issues;</u>	578
<u>(V) Developing and maintaining a relationship with the United</u>	579
<u>States department of veterans affairs, seeking optimal federal</u>	580
<u>benefits and services for Ohio veterans and their dependents, and</u>	581
<u>encouraging veterans service commissions to maximize the federal</u>	582
<u>benefits and services to which veterans and their dependents are</u>	583
<u>entitled;</u>	584
<u>(W) Developing and maintaining relationships with the several</u>	585
<u>veterans organizations, encouraging the organizations in their</u>	586
<u>efforts at assisting veterans and their dependents, and advocating</u>	587
<u>for adequate state subsidization of the organizations;</u>	588
<u>(X) Requiring the several veterans organizations that receive</u>	589
<u>funding from the state annually to report to the director of</u>	590
<u>veterans services and prescribing the form and content of the</u>	591
<u>report;</u>	592
<u>(Y) Investigating complaints against county veterans services</u>	593
<u>commissioners and county veterans service officers if the director</u>	594
<u>reasonably believes the investigation to be appropriate and</u>	595
<u>necessary;</u>	596

(Z) Taking any other actions required by this chapter. 597

Sec. 5902.03. The director of ~~the governor's office of~~ 598
veterans ~~affairs~~ services may microfilm or otherwise duplicate all 599
or any part of copies of original certificates of discharge and 600
separation submitted by Ohio veterans ~~in conjunction with their~~ 601
~~applications for Ohio war bonuses.~~ 602

The director may prepare and maintain files of such 603
microfilmed certificates of discharge and separation in such 604
manner that they may readily be available for the use of the 605
~~governor's office~~ department of veterans ~~affairs~~ services, 606
authorized veterans service officers of the several 607
congressionally chartered veterans organizations, and county 608
veterans service officers of the several counties of the state in 609
support of applications for compensation, pension, medical, or 610
domiciliary care, or other state and federal benefits provided for 611
eligible veterans or their dependents or survivors. 612

The director may make copies of such microfilmed certificates 613
of discharge and separation for storage under secure conditions to 614
assure their preservation, and for supply to qualified veterans or 615
their dependents or survivors or to interested and authorized 616
veterans organizations to aid such organizations in their programs 617
of veterans aid and assistance. 618

Sec. 5902.04. (A) Upon application, the director of ~~the~~ 619
~~governor's office of~~ veterans ~~affairs~~ services shall furnish 620
necessary instructions and advice to the veterans of the state, 621
their heirs, or their legal representatives, respecting their 622
claims against the United States or the state for pensions, 623
bounty, bonus, back pay, or otherwise, by reason of military 624
service, ~~and perform other duties that the governor requires.~~ 625

(B) The director or the director's representative may examine 626

the files of any veterans service commission that pertain to 627
either of the following classes of persons to determine the 628
custody, use, or confidentiality of any documents in those files: 629

(1) Applicants for, or recipients or former recipients of, 630
financial assistance under sections 5901.01 to 5901.15 of the 631
Revised Code; 632

(2) Applicants for federal, state, or county benefits under 633
those sections. 634

(C)(1) No information or documents obtained by examinations 635
conducted under division (B) of this section shall be considered 636
part of the public records of the ~~governor's office~~ department of 637
veterans ~~affairs~~ services. The director may disclose information 638
or documents that the director obtains pursuant to an examination 639
conducted under division (B) of this section and that personally 640
identify an applicant, recipient, or former recipient described in 641
that division, if either of the following applies: 642

(a) The director considers the disclosure necessary to 643
enforce compliance with Chapter 5901. of the Revised Code. 644

(b) For the purposes and under the circumstances authorized 645
under division (E) of section 5901.09 of the Revised Code. 646

(2) In all other cases, the director shall maintain the 647
confidentiality of information or documents that the director 648
obtains pursuant to an examination under division (B) of this 649
section and that personally identify an applicant, recipient, or 650
former recipient described in that division. 651

Sec. 5902.06. The director of ~~the governor's office~~ of 652
veterans ~~affairs~~ services shall keep a register showing the 653
situation and disposition of any claim filed by ~~that office~~ the 654
department of veterans services. 655

Sec. 5902.07. The director of ~~the governor's office of~~ 656
veterans affairs services may administer oaths. He ~~shall have a~~ 657
~~seal of office and his~~ The director's official certificate shall 658
be received in evidence without further authentication. 659

Sec. 5902.08. The director of ~~the governor's office of~~ 660
veterans affairs services, or any employee thereof, shall not 661
receive directly or indirectly a fee or reward of any kind from a 662
claimant or other person for services rendered or to be rendered, 663
relating to a duty required of ~~him~~ the director or employee under 664
sections 5902.01 to 5902.07 of the Revised Code, or in any manner 665
connected therewith. 666

Sec. 5902.09. The person in charge of a state agency or 667
instrumentality, an agency or instrumentality of a political 668
subdivision, or a private entity, such as a nursing home, that 669
provides law enforcement, health, or welfare services to 670
individuals, other than the Ohio veterans' home and veterans 671
service organizations, shall ask an individual with whom the 672
agency, instrumentality, or entity interacts if the individual is 673
a veteran or is or was the dependent of a veteran. If the 674
individual claims to be such an individual, the person in charge 675
shall report the individual's name, address, telephone number, and 676
e-mail address; the agency's, instrumentality's, or entity's name, 677
address, telephone number, and e-mail address; the nature of the 678
agency's, instrumentality's, or entity's interaction with the 679
individual; and the date on which the interaction occurred to the 680
director of veterans services. The director shall inform the 681
veterans service commission having jurisdiction about the veteran 682
or dependent and the interaction. The commission shall inquire 683
about, and offer benefits and services appropriate to, the veteran 684
or dependent. 685

Sec. 5902.15. (A) If the president of the United States 686
indicates that national guard or reserve forces with headquarters 687
in this state may be called to active military duty, the governor 688
or the director of ~~the governor's office of~~ veterans affairs 689
services shall convene, not later than ten days after all its 690
members are appointed, a military activation task force to 691
determine whether federal, state, and county agencies have 692
prepared proper support mechanisms for that military activation. 693
The task force shall prepare and publish a report stating whether 694
these mechanisms have been prepared and what further actions need 695
to be taken to support that military activation. 696

(B) The members of the task force are the chairpersons and 697
ranking minority members of the committees of the house of 698
representatives and senate that customarily consider bills dealing 699
with the military and veterans affairs, and a representative of 700
each of the following agencies and organizations whom that agency 701
or organization shall appoint: 702

- (1) The Ohio army national guard; 703
- (2) The Ohio air national guard; 704
- (3) The United States army reserve; 705
- (4) The United States marine corps reserve; 706
- (5) The United States naval reserve; 707
- (6) The United States air force reserve; 708
- (7) The United States coast guard reserve; 709
- (8) The United States department of veterans affairs; 710
- (9) The American Legion, department of Ohio; 711
- (10) The Veterans of Foreign Wars, department of Ohio; 712
- (11) The AMVETS, department of ~~Ohio~~ Ohio; 713

(12) The Disabled American Veterans, department of Ohio <u>Ohio</u> ;	714
(13) The American Ex-Prisoners of War, department of Ohio;	715
(14) The Vietnam Veterans of America, department of Ohio <u>Ohio</u> ;	716 717
(15) The office of the Ohio attorney general;	718
(16) The Ohio association of county veterans service officers;	719 720
(17) The Ohio association of county veterans service commissioners;	721 722
(18) The bureau of employment services;	723
(19) The department of administrative services;	724
(20) (19) The state department of <u>human job and family</u> services;	725 726
(21) (20) The Ohio office of the United States department of labor;	727 728
(22) (21) The employer support of the national guard and reserve;	729 730
(23) (22) The Ohio military family support group;	731
(24) (23) The national league of families of prisoners and missing in action;	732 733
(25) (24) The governor's office <u>department</u> of veterans affairs <u>services</u> .	734 735
(C) At its first meeting, the task force shall elect a chairperson and other officers it considers necessary.	736 737
(D) Members of the task force shall receive no compensation but shall be reimbursed for expenses they incur in the performance of their duties.	738 739 740
(E) Members of the task force shall serve until the task	741

force publishes its report. Any vacancy on the task force shall be 742
filled in the same manner as the original appointment. 743

(F) The ~~governor's office~~ department of veterans ~~affairs~~ 744
services shall provide the task force with necessary personnel, 745
supplies, and services. 746

Sec. 5904.01. (A) There is hereby created the Ohio veterans 747
hall of fame. The ~~governor's office~~ department of veterans ~~affairs~~ 748
services shall serve as the veterans hall of fame's administrative 749
agent. The veterans hall of fame shall recognize the post-military 750
achievements of outstanding veterans and spotlight all veterans' 751
contributions to the civilian workplace. 752

(B) The Ohio veterans hall of fame shall have an executive 753
committee composed of thirteen members, all of whom shall be 754
veterans. The director of ~~the governor's office of~~ veterans 755
~~affairs~~ services shall be an ex officio member. The ~~governor's~~ 756
~~office~~ department of veterans ~~affairs'~~ services' veterans advisory 757
committee, the advisory committee on women veterans, the Ohio 758
veterans hall of fame foundation, the Veterans of Foreign Wars, 759
the Disabled American Veterans, the AMVETS, the Vietnam Veterans 760
of America, and the American Legion shall each appoint one member. 761
762

The Ohio veterans hall of fame executive committee shall 763
appoint its final four members, one of whom shall be from any 764
veterans organization that is incorporated in this state and that 765
is not otherwise represented on the executive committee, one of 766
whom was inducted into the veterans hall of fame three years 767
before the current fiscal year, one of whom was inducted into the 768
veterans hall of fame two years before the current fiscal year, 769
and one of whom was inducted into the veterans hall of fame one 770
year before the current fiscal year. 771

(C) Terms of office of the members of the Ohio veterans hall 772

of fame executive committee shall be for three years. Each member 773
shall serve subsequent to the expiration of the member's term 774
until the member's successor is appointed, or until sixty days has 775
elapsed, whichever occurs first. No member shall serve more than 776
two consecutive terms. 777

(D) All vacancies in the membership of the Ohio veterans hall 778
of fame executive committee shall be filled in the same manner as 779
prescribed for original appointments, and the terms of the 780
appointees shall be limited to the unexpired terms. 781

(E) The members of the Ohio veterans hall of fame executive 782
committee shall serve without compensation, but shall be 783
reimbursed for their actual and necessary expenses incurred in the 784
performance of their official duties. 785

(F) The Ohio veterans hall of fame executive committee shall 786
elect a chairperson and vice-chairperson from its membership. It 787
shall meet annually to select inductees for the veterans hall of 788
fame from the persons nominated in a manner prescribed by the 789
executive committee. The names of selected inductees shall be 790
submitted to the governor for final approval. The governor shall 791
provide any final approval within thirty days after the executive 792
committee submits the names of the selected inductees. The 793
governor may reject any of the selected inductees for cause, but 794
shall not make any additions to the list of those inductees. 795

(G) Except as otherwise provided in this division, all state 796
elected officials, members of the general assembly, members of the 797
Ohio veterans hall of fame foundation, members of the veterans 798
hall of fame executive committee, members of the governor's staff, 799
members of the veterans hall of fame staff, and members of any 800
county veterans service commission, and the director of ~~the~~ 801
~~governor's office of veterans affairs services~~, shall not be 802
eligible for induction into the veterans hall of fame until two 803
years after they have left their position. The executive committee 804

may waive the two-years requirement for nominees over the age of 805
seventy. 806

(H) The Ohio veterans hall of fame executive committee is not 807
subject to sections 101.82 to 101.87 of the Revised Code. 808

Sec. 5907.01. (A) As used in this chapter: 809

(1) "Nursing home" means a nursing home within a veterans' 810
home. 811

(2) "Veterans' home" means a veterans' home operated by the 812
Ohio veterans' home agency. 813

(B) There is hereby established the Ohio veterans' home 814
agency ~~that~~ as part of the department of veterans services. The 815
agency shall maintain and operate veterans' and nursing homes for 816
honorably discharged veterans. 817

Sec. 5907.02. ~~The board of trustees of the Ohio veterans'~~ 818
~~home agency, which is hereby created, shall consist of seven~~ 819
~~members who~~ director of veterans services shall govern the Ohio 820
veterans' home agency and have charge and custody of the agency's 821
facilities. ~~The members shall be the director of administrative~~ 822
~~services or that director's designee, the director of aging or~~ 823
~~that director's designee, and five members who shall be appointed~~ 824
~~by the governor with the advice and consent of the senate. All the~~ 825
~~members of the board appointed by the governor shall be veterans~~ 826
~~of wars in which the United States has participated, and not more~~ 827
~~than three of the members shall be of the same political party.~~ 828
~~The trustees shall serve without compensation, but they shall be~~ 829
~~allowed their actual expenses incurred in the discharge of their~~ 830
~~duties. Each year, the governor shall appoint one trustee. The~~ 831
~~term of office for each member of the board shall be for five~~ 832
~~years, commencing on the first day of July and ending on the~~ 833
~~thirtieth day of June. Each member shall hold office from the date~~ 834

~~of that member's appointment until the end of the term for which~~ 835
~~the member was appointed. Any member appointed to fill a vacancy~~ 836
~~occurring prior to the expiration of the term for which that~~ 837
~~member's predecessor was appointed shall hold office for the~~ 838
~~remainder of that term. Any member shall continue in office~~ 839
~~subsequent to the expiration date of that member's term until the~~ 840
~~member's successor takes office, or until a period of sixty days~~ 841
~~has elapsed, whichever occurs first. The board director shall~~ 842
govern, conduct, and care for veterans' homes, the property of the 843
homes, and the veterans residing in the home. 844

~~Four members of the board constitute a quorum, but any three~~ 845
~~may approve the payment of current expenses, salaries, and open~~ 846
~~contracts previously entered into by the board.~~ 847

All supplies for the agency shall be purchased as provided in 848
sections 125.04 to 125.15 of the Revised Code. 849

The ~~board~~ director shall appoint a superintendent of the Ohio 850
veterans' home agency upon any terms that are proper, and the 851
superintendent, with the advice and consent of the ~~board~~ director, 852
shall employ aides, assistants, and employees, and perform other 853
duties that may be assigned to the superintendent by the ~~board~~ 854
director or become necessary in the carrying out of the 855
superintendent's duties. The superintendent shall be responsible 856
directly to the ~~board~~ director. 857

Subject to section 5907.021 of the Revised Code, the 858
superintendent may appoint one or more employees at each veterans' 859
home as veterans' home police officers authorized to act on the 860
grounds of that home. The superintendent shall provide to those 861
employees a copy of the rules that apply to their appointment. The 862
rules shall specify whether or not the police officers may carry a 863
firearm. 864

Subject to section 5907.021 of the Revised Code, the 865

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 to provide additional training or skills related to their work assignment at their veterans' home. The superintendent may send those officers or employees to the Ohio peace officer training academy that the superintendent considers appropriate.

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

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

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

(B) Enter into contracts with private providers. 897

Sec. 5907.023. ~~Neither the~~ The Ohio veterans' home agency 898
established by section 5907.01 of the Revised Code ~~nor the board~~ 899
~~of trustees of the Ohio veterans' home agency created by section~~ 900
~~5907.02 of the Revised Code~~ is not subject to sections 101.82 to 901
101.87 of the Revised Code. 902

Sec. 5907.03. The management and control of veterans' homes 903
shall be subject to such inspection and supervision as the 904
congress of the United States may require as a condition of making 905
appropriations for their maintenance. A person appointed or 906
designated by congress may make such inspection and exercise such 907
supervision, and, if so required by congress, the person may have 908
and exercise the privileges of ~~a member of the board of trustees~~ 909
~~of the Ohio veterans' home agency~~ the director of veterans 910
services. 911

Sec. 5907.04. ~~All~~ Subject to the following paragraph, all 912
members of the armed forces, who served in the regular or 913
volunteer forces of the United States or the Ohio national guard 914
or members of the naval militia during the war with Spain, the 915
Philippine insurrection, the China relief expedition, the Indian 916
war, the Mexican expedition, World War I, World War II, or during 917
the period beginning June 25, 1950 and ending July 19, 1953, known 918
as the Korean conflict, or during the period beginning August 5, 919
1964, and ending July 1, 1973, known as the Vietnam conflict, or 920
any person who is awarded either the armed forces expeditionary 921
medal established by presidential executive order 10977 dated 922
December 4, 1961, or the Vietnam service medal established by 923
presidential executive order 11231 dated July 8, 1965, who have 924
been honorably discharged or separated under honorable conditions 925
therefrom, or any discharged members of the Polish and 926

Czechoslovakian armed forces who served in armed conflict with an 927
enemy of the United States in World War I or World War II who have 928
been citizens of the United States for at least ten years, 929
provided that the above-mentioned persons have been citizens of 930
this state for five consecutive years or more at the date of 931
making application for admission, are disabled by disease, wounds, 932
or otherwise, and are by reason of such disability incapable of 933
earning their living, and all members of the Ohio national guard 934
or naval militia who have lost an arm or leg, or their sight, or 935
become permanently disabled from any cause, while in the line and 936
discharge of duty, and are not able to support themselves, may be 937
admitted to a veterans' home under such rules as the ~~board of~~ 938
~~trustees of the Ohio veterans' home agency~~ director of veterans 939
services adopts. 940

A person who served in the armed forces of the United States 941
as defined in division (E)(7) of section 5903.11 of the Revised 942
Code is eligible for admission to a veterans' home under the 943
preceding paragraph only if the person has the characteristics 944
defined in division (B)(1) of section 5901.01 of the Revised Code. 945

The superintendent of the Ohio veterans' home agency shall 946
promptly and diligently pursue the establishment of the 947
eligibility for medical assistance under Chapter 5111. of the 948
Revised Code of all persons admitted to a veterans' home and all 949
residents of a home who appear to qualify and shall promptly and 950
diligently pursue and maintain the certification of each home's 951
compliance with federal laws and regulations governing 952
participation in the medical assistance program to include as 953
large as possible a part of the home's bed capacity. 954

Veterans' homes may reserve a bed during the temporary 955
absence of a resident or patient from the home, including a 956
nursing home within it, under conditions prescribed by the ~~board~~ 957
~~of trustees~~ director, to include hospitalization for an acute 958

condition, visits with relatives and friends, and participation in 959
therapeutic programs outside the home. A home shall not reserve a 960
bed for more than thirty days, except that absences for more than 961
thirty days due to hospitalization may be authorized. 962

Sec. 5907.11. (A) The superintendent of the Ohio veterans' 963
home agency, with the approval of the ~~board of trustees of the~~ 964
~~agency~~ director of veterans services, may establish a local fund 965
for each veterans' home to be used for the entertainment and 966
welfare of the residents of the home. Each fund shall be 967
designated as the residents' benefit fund and shall be operated 968
for the exclusive benefit of the residents of the associated home. 969
Each fund shall receive all revenue from the sale of commissary 970
items at the associated home and shall receive all moneys received 971
as donations by the associated home from any source. 972

(B) The residents' benefit funds also may be used to receive 973
and disburse any donations made for events sponsored by the Ohio 974
veterans hall of fame. 975

(C) The superintendent, subject to the approval of the ~~board~~ 976
~~of trustees~~ director, shall establish rules for the operation of 977
the residents' benefit funds. 978

Sec. 5907.12. The ~~board of trustees of the Ohio veterans'~~ 979
~~home agency~~ director of veterans services may utilize the services 980
of volunteers to assist in attending to and caring for residents, 981
assisting in resident activities, caring for veterans' homes' 982
buildings and grounds, and participating in any other services 983
that accomplish any of the ~~board's~~ director's purposes related to 984
veterans' homes. All volunteer programs are subject to the ~~board's~~ 985
director's approval. The ~~board~~ director may recruit, train, and 986
supervise the services of community volunteers or volunteer groups 987
for volunteer programs. The ~~board~~ director may designate 988

volunteers as state employees for the purpose of motor vehicle 989
accident liability insurance under section 9.83 of the Revised 990
Code and for the purpose of indemnification from liability 991
incurred in the performance of their duties under section 9.87 of 992
the Revised Code. 993

Sec. 5907.13. Residents of veterans' homes may be assessed a 994
fee to pay a portion of the expenses of their support, dependent 995
upon their ability to pay. Subject to controlling board approval, 996
the ~~board of trustees of the Ohio veterans' home agency~~ director 997
of veterans services shall adopt rules for determining a 998
resident's ability to pay. Each resident shall furnish the ~~board~~ 999
~~of trustees~~ director statements of income, assets, debts, and 1000
expenses that the ~~board~~ director requires. 1001

All fees contributed by the residents under this section 1002
shall be deposited into an interest-bearing account in a public 1003
depository in accordance with section 135.18 of the Revised Code. 1004
All of these fees shall be paid to the treasurer of state within 1005
thirty days after the end of the month of receipt, together with 1006
all interest credited to the account to date. The treasurer of 1007
state shall credit eighty per cent of these fees and of this 1008
interest to the Ohio veterans' homes operating fund and twenty per 1009
cent of these fees and of this interest to the Ohio veterans' 1010
homes fund. 1011

The fee for each resident shall be based upon the level of 1012
care provided to the resident by the resident's home. The ~~board of~~ 1013
~~trustees~~ director shall determine authorized levels of care for 1014
residents. The assessment for each resident shall not exceed the 1015
difference between the total per diem amount collected by the 1016
state for maintenance from all sources on the resident's behalf 1017
and the average annual per diem cost for the resident's 1018
maintenance, computed in accordance with veterans administration 1019

regulations. 1020

Sec. 5907.141. (A) All money received from the United States 1021
department of veterans affairs in per diem grants for care that 1022
veterans' homes provide shall be deposited in the state treasury 1023
to the credit of the Ohio veterans' homes federal grant fund, 1024
which is hereby created. Money credited to the fund shall be used 1025
only for the operating costs of veterans' homes. 1026

(B) Any resident of a veterans' home whom the United States 1027
department of veterans affairs determines to have excess income or 1028
assets, or is denied per diem for any reason by the United States 1029
department of veterans affairs, therefore rendering the home 1030
ineligible to collect per diem grant reimbursement for days of 1031
care provided to that resident, may be required to pay, in 1032
addition to the fees assessed under section 5907.13 of the Revised 1033
Code, an amount equal to the rate of per diem grant that the 1034
department denied for that particular resident. Any amount that 1035
the resident pays under this division shall be collected and 1036
distributed in the same manner as the fees assessed under section 1037
5907.13 of the Revised Code. 1038

Sec. 5910.02. There is hereby created an Ohio war orphans 1039
scholarship board ~~consisting as part of the department of veterans~~ 1040
services. The board consists of ~~seven~~ eight members as follows: 1041
the chancellor of the Ohio board of regents or the chancellor's 1042
designee; the director of veterans services or the director's 1043
designee; one member of the house of representatives, appointed by 1044
the speaker; one member of the senate, appointed by the president 1045
of the senate; and four members appointed by the governor, one of 1046
whom shall be a representative of the American Legion, one of whom 1047
shall be a representative of the Veterans of Foreign Wars, one of 1048
whom shall be a representative of the Disabled American Veterans, 1049
and one of whom shall be a representative of the AMVETS. At least 1050

ninety days prior to the expiration of the term of office of the 1051
representative of a veterans organization appointed by the 1052
governor, the governor shall notify the state headquarters of the 1053
affected organization of the need for an appointment and request 1054
the organization to make at least three nominations. Within sixty 1055
days after making the request for nominations, the governor may 1056
make the appointment from the nominations received, or may reject 1057
all the nominations and request at least three new nominations, 1058
from which the governor shall make an appointment within thirty 1059
days after making the request for the new nominations. If the 1060
governor receives no nominations during this thirty-day period, 1061
the governor may appoint any veteran. 1062

Terms of office for the four members appointed by the 1063
governor shall be for four years, commencing on the first day of 1064
January and ending on the thirty-first day of December, except 1065
that the term of the AMVETS representative shall expire December 1066
31, 1998, and the new term that succeeds it shall commence on 1067
January 1, 1999, and end on December 31, 2002. Each member shall 1068
hold office from the date of the member's appointment until the 1069
end of the term for which the member was appointed. The other 1070
members shall serve during their terms of office. Any vacancy 1071
shall be filled by appointment in the same manner as by original 1072
appointment. Any member appointed to fill a vacancy occurring 1073
prior to the expiration of the term for which the member's 1074
predecessor was appointed shall hold office for the remainder of 1075
such term. Any appointed member shall continue in office 1076
subsequent to the expiration date of the member's term until the 1077
member's successor takes office, or until a period of sixty days 1078
has elapsed, whichever occurs first. The members of the board 1079
shall serve without pay but shall be reimbursed for travel 1080
expenses and for other actual and necessary expenses incurred in 1081
the performance of their duties, not to exceed ten dollars per day 1082
for ten days in any one year to be appropriated out of any moneys 1083

in the state treasury to the credit of the general revenue fund. 1084

The chancellor of the board of regents shall act as secretary 1085
to the board and shall furnish such clerical and other assistance 1086
as may be necessary to the performance of the duties of the board. 1087

The board shall determine the number of scholarships to be 1088
made available, receive applications for scholarships, pass upon 1089
the eligibility of applicants, decide which applicants are to 1090
receive scholarships, and do all other things necessary for the 1091
proper administration of this chapter. 1092

Section 2. That existing sections 121.02, 121.03, 3313.616, 1093
5901.02, 5901.021, 5901.07, 5901.09, 5902.01, 5902.02, 5902.03, 1094
5902.04, 5902.06, 5902.07, 5902.08, 5902.15, 5904.01, 5907.01, 1095
5907.02, 5907.022, 5907.023, 5907.03, 5907.04, 5907.11, 5907.12, 1096
5907.13, 5907.141, and 5910.02 of the Revised Code are hereby 1097
repealed. 1098

Section 3. That section 5902.05 of the Revised Code is hereby 1099
repealed. 1100

Section 4. Chapter 5902. of the Revised Code shall be known 1101
as "Department of Veterans Services." 1102

Section 5. On the effective date of this section, the 1103
Governor's Office of Veterans Affairs is abolished and its 1104
functions, and its assets and liabilities, are transferred to the 1105
Department of Veterans Services. The Department of Veterans 1106
Services is successor to, assumes the obligations and authority 1107
of, and otherwise continues the Governor's Office of Veterans 1108
Affairs. No right, privilege, or remedy, and no duty, liability, 1109
or obligation, accrued under the Governor's Office of Veterans 1110
Affairs is impaired or lost by reason of the transfer and shall be 1111
recognized, administered, performed, or enforced by the Department 1112

of Veterans Services. 1113

Business commenced but not completed by the Governor's Office 1114
of Veterans Affairs or by the Director of the Governor's Office of 1115
Veterans Affairs shall be completed by the Department of Veterans 1116
Services or the Director of Veterans Services in the same manner, 1117
and with the same effect, as if completed by the Governor's Office 1118
of Veterans Affairs or the Director of the Governor's Office of 1119
Veterans Affairs. 1120

All the rules, orders, and determinations of the Governor's 1121
Office of Veterans Affairs continue in effect as rules, orders, 1122
and determinations of the Department of Veterans Services, until 1123
modified or rescinded by the Department of Veterans Services. If 1124
necessary to ensure the integrity of the numbering of the 1125
Administrative Code, the Director of the Legislative Service 1126
Commission shall renumber the rules of the Governor's Office of 1127
Veterans Affairs to reflect their transfer to the Department of 1128
Veterans Services. 1129

Subject to the layoff provisions of sections 124.321 to 1130
124.382 of the Revised Code, all employees of the Governor's 1131
Office of Veterans Affairs are transferred to the Department of 1132
Veterans Services and retain their positions and all benefits 1133
accruing thereto. 1134

The Director of Budget and Management shall determine the 1135
amount of unexpended balances in the appropriation accounts that 1136
pertain to the Governor's Office of Veterans Affairs and shall 1137
recommend to the Controlling Board their transfer to appropriation 1138
accounts that pertain to the Department of Veterans Services. The 1139
Director of the Governor's Office of Veterans Affairs shall 1140
provide full and timely information to the Controlling Board to 1141
facilitate the transfer. 1142

Whenever the Governor's Office of Veterans Affairs or the 1143

Director of the Governor's Office of Veterans Affairs is referred 1144
to in a statute, contract, or other instrument, the reference is 1145
deemed to refer to the Department of Veterans Services or to the 1146
Director of Veterans Services, whichever is appropriate in 1147
context. 1148

No pending action or proceeding being prosecuted or defended 1149
in court or before an agency by the Governor's Office of Veterans 1150
Affairs or the Director of the Governor's Office of Veterans 1151
Affairs is affected by the transfer and shall be prosecuted or 1152
defended in the name of Department of Veterans Services or the 1153
Director of Veterans Services, whichever is appropriate. Upon 1154
application to the court or agency, the Department of Veterans 1155
Services or the Director of Veterans Services shall be substituted 1156
as a party. 1157

Section 6. On the effective date of this section, the Ohio 1158
Veterans' Home Agency is abolished and its functions, and its 1159
assets and liabilities, are transferred to the Department of 1160
Veterans Services. The Department of Veterans Services is 1161
successor to, assumes the obligations and authority of, and 1162
otherwise continues the Ohio Veterans' Home Agency. No right, 1163
privilege, or remedy, and no duty, liability, or obligation, 1164
accrued under the Ohio Veterans' Home Agency is impaired or lost 1165
by reason of the transfer and shall be recognized, administered, 1166
performed, or enforced by the Department of Veterans Services. 1167

Business commenced but not completed by the Ohio Veterans' 1168
Home Agency or its Board of Trustees shall be completed by the 1169
Department of Veterans Services or the Director of Veterans 1170
Services in the same manner, and with the same effect, as if 1171
completed by the Ohio Veterans' Home Agency or its Board of 1172
Trustees. 1173

All the rules, orders, and determinations of the Ohio 1174
Veterans' Home Agency or its Board of Trustees continue in effect 1175

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.

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.

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.

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.

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 prosecuted or defended in the name of the Department of Veterans Services or the Director of Veterans Services, whichever is appropriate. Upon application to the court or agency, the Department of Veterans Services or the Director of Veterans Services shall be substituted as a party.