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Representative Ujvagi

Cosponsors: Representatives Yuko, Goyal, Belcher, Boose, Boyd, Brown, Carney, Celeste, Chandler, DeBose, Domenick, Dyer, Evans, Fende, Foley, Garland, Hackett, Harris, Harwood, Heard, Letson, Luckie, Lundy, Mallory, Murray, Oelslager, Otterman, Patten, Pillich, Pryor, Reece, Schneider, Skindell, Stewart, Sykes, Szollosi, Weddington, Williams, B., Winburn

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A B I L L

To amend sections 2108.72, 2108.73, 5902.02, and 1
5923.05 of the Revised Code to allow a DD Form 93, 2
Record of Emergency Data, to satisfy the written 3
declaration requirements for designating a person 4
authorized to direct disposition of human remains, 5
to modify the membership of the Veterans Advisory 6
Committee, and to provide publicly employed 7
firefighters and emergency medical technicians 8
with a minimum paid military leave of seventeen 9
24-hour days. 10

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

Section 1. That sections 2108.72, 2108.73, 5902.02, and 11
5923.05 of the Revised Code be amended to read as follows: 12

Sec. 2108.72. (A) The written declaration described in 13
section 2108.70 of the Revised Code shall include all of the 14
following: 15

- (1) The declarant's legal name and present address; 16
- (2) A statement that the declarant, an adult being of sound 17
mind, willfully and voluntarily appoints a representative to have 18
the declarant's right of disposition for the declarant's body upon 19
the declarant's death; 20
- (3) A statement that all decisions made by the declarant's 21
representative with respect to the right of disposition are 22
binding; 23
- (4) The name, last known address, and last known telephone 24
number of the representative or, if the representative is a group 25
of persons, the name, last known address, and last known telephone 26
number of each person in the group; 27
- (5) If the declarant chooses to have a successor 28
representative, a statement that if any person or group of persons 29
named as the declarant's representative is disqualified from 30
serving in such position as described in section 2108.75 of the 31
Revised Code, the declarant appoints a successor representative; 32
- (6) If applicable, the name, last known address, and last 33
known telephone number of the successor representative or, if the 34
successor representative is a group of persons, the name, last 35
known address, and last known telephone number of each person in 36
the group; 37
- (7) A space where the declarant may indicate the declarant's 38
preferences regarding how the right of disposition should be 39
exercised, including any religious observances the declarant 40
wishes the person with the right of disposition to consider; 41
- (8) A space where the declarant may indicate one or more 42
sources of funds that may be used to pay for goods and services 43
associated with the exercise of the right of disposition; 44
- (9) A statement that the declarant's written declaration 45

becomes effective on the declarant's death;	46
(10) A statement that the declarant revokes any written declaration that the declarant executed, in accordance with section 2108.70 of the Revised Code, prior to the execution of the present written declaration-;	47 48 49 50
(11) A space where the declarant can sign and date the written declaration;	51 52
(12) A space where a notary public or two witnesses can sign and date the written declaration as described in section 2108.73 of the Revised Code.	53 54 55
(B) A written declaration may take the following form:	56
APPOINTMENT OF REPRESENTATIVE FOR DISPOSITION OF BODILY REMAINS, FUNERAL ARRANGEMENTS, AND BURIAL OR CREMATION GOODS AND SERVICES:	57 58 59
I, (legal name and present address of declarant), an adult being of sound mind, willfully and voluntarily appoint my representative, named below, to have the right of disposition, as defined in section 2108.70 of the Revised Code, for my body upon my death. All decisions made by my representative with respect to the right of disposition shall be binding.	60 61 62 63 64 65 66
REPRESENTATIVE:	67
(If the representative is a group of persons, indicate the name, last known address, and telephone number of each person in the group.)	68 69 70
Name(s):	71
Address(es):	72
Telephone Number(s):	73
SUCCESSOR REPRESENTATIVE:	74
If my representative is disqualified from serving as my	75

representative as described in section 2108.75 of the Revised Code, then I hereby appoint the following person or group of persons to serve as my successor representative.

(If the successor representative is a group of persons, indicate the name, last known address, and telephone number of each person in the group.)

Name(s):
Address(es):
Telephone Number(s):

PREFERENCES REGARDING HOW THE RIGHT OF DISPOSITION SHOULD BE EXERCISED, INCLUDING ANY RELIGIOUS OBSERVANCES THE DECLARANT WISHES A REPRESENTATIVE OR A SUCCESSOR REPRESENTATIVE TO CONSIDER:

ONE OR MORE SOURCES OF FUNDS THAT COULD BE USED TO PAY FOR GOODS AND SERVICES ASSOCIATED WITH AN EXERCISE OF THE RIGHT OF DISPOSITION:

DURATION:

The appointment of my representative and, if applicable, successor representative, becomes effective upon my death.

PRIOR APPOINTMENTS REVOKED:

I hereby revoke any written declaration that I executed in accordance with section 2108.70 of the Ohio Revised Code prior to the date of execution of this written declaration indicated below.

AUTHORIZATION TO ACT:	106
I hereby agree that any of the following that receives a copy of this written declaration may act under it:	107
- Cemetery organization;	108
- Crematory operator;	109
- Business operating a columbarium;	110
- Funeral director;	111
- Embalmer;	112
- Funeral home;	113
- Any other person asked to assist with my funeral, burial, cremation, or other manner of final disposition.	114
MODIFICATION AND REVOCATION - WHEN EFFECTIVE:	115
Any modification or revocation of this written declaration is not effective as to any party until that party receives actual notice of the modification or revocation.	116
LIABILITY:	117
No person who acts in accordance with a properly executed copy of this written declaration shall be liable for damages of any kind associated with the person's reliance on this declaration.	118
Signed this day of	119
.....	120
(Signature of declarant)	121
ACKNOWLEDGMENT OF ASSUMPTION OF OBLIGATIONS AND COSTS:	122
By signing below, the representative, or successor representative, if applicable, acknowledges that he or she, as representative or successor representative, assumes the right of disposition as defined in section 2108.70 of the Revised Code, and understands that he or she is liable for the reasonable costs of	123
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exercising the right, including any goods and services that are 135
purchased. 136

ACCEPTANCE (OPTIONAL): 137

The undersigned hereby accepts this appointment as 138
representative or successor representative, as applicable, for the 139
right of disposition as defined in section 2108.70 of the Revised 140
Code. 141

Signed this day of 142

..... 143

Signature of representative (if 144
representative is a group of
persons, each person in the group
shall sign)

Signed this day of 145

..... 146

Signature of successor 147
representative (if successor
representative is a group of
persons, each person in the group
shall sign)

WITNESSES: 148

I attest that the declarant signed or acknowledged this 149
assignment of the right of disposition under section 2108.70 of 150
the Revised Code in my presence and that the declarant is at least 151
eighteen years of age and appears to be of sound mind and not 152
under or subject to duress, fraud, or undue influence. I further 153
attest that I am not the declarant's representative or successor 154
representative, I am at least eighteen years of age, and I am not 155
related to the declarant by blood, marriage, or adoption. 156

First witness: 157

Name (printed): 158

..... Residing at:	159
Signature:	160
.....	161
Date:	162
.....	163
Second witness:	164
Name (printed):	165
..... Residing at:	166
Signature:	167
.....	168
Date:	169
.....	170
OR	171
NOTARY ACKNOWLEDGMENT:	172
State of Ohio	173
County of SS.	174
On, before me, the undersigned notary public,	175
personally appeared, known to me or	176
satisfactorily proven to be the person whose name is subscribed as	177
the declarant, and who has acknowledged that he or she executed	178
this written declaration under section 2108.70 of the Revised Code	179
for the purposes expressed in that section. I attest that the	180
declarant is at least eighteen years of age and appears to be of	181
sound mind and not under or subject to duress, fraud, or undue	182
influence.	183
Signature of notary public	184
.....	185
My commission expires on:	186
.....	187
<u>(C) Completion of a federal Record of Emergency Data form, DD</u>	188
<u>Form 93, or its successor form, by a member of the military, is</u>	189

sufficient to constitute a written declaration under section 190
2108.70 of the Revised Code if section 13a of DD Form 93, entitled 191
"Person Authorized to Direct Disposition," has been properly 192
completed by the member of the military who has subsequently died 193
while under active duty orders as described in 10 U.S.C. 1481. 194

Sec. 2108.73. A written declaration executed by a declarant 195
under section 2108.70 of the Revised Code shall be signed and 196
dated by the declarant in the presence of ~~either~~ one of the 197
following: 198

(A) A notary public who shall make the certification 199
described in section 147.53 of the Revised Code. 200

(B) Two witnesses who are adults and who are not related by 201
blood, marriage, or adoption to the declarant. 202

(C) If the written declaration is a DD Form 93, Record of 203
Emergency Data, by whomever the form requires. 204

Sec. 5902.02. The duties of the director of veterans services 205
shall include the following: 206

(A) Furnishing the veterans service commissions of all 207
counties of the state copies of the state laws, rules, and 208
legislation relating to the operation of the commissions and their 209
offices; 210

(B) Upon application, assisting the general public in 211
obtaining records of vital statistics pertaining to veterans or 212
their dependents; 213

(C) Adopting rules pursuant to Chapter 119. of the Revised 214
Code pertaining to minimum qualifications for hiring, certifying, 215
and accrediting county veterans service officers, pertaining to 216
their required duties, and pertaining to revocation of the 217
certification of county veterans service officers; 218

(D) Adopting rules pursuant to Chapter 119. of the Revised Code for the education, training, certification, and duties of veterans service commissioners and for the revocation of the certification of a veterans service commissioner;	219 220 221 222
(E) Developing and monitoring programs and agreements enhancing employment and training for veterans in single or multiple county areas;	223 224 225
(F) Developing and monitoring programs and agreements to enable county veterans service commissions to address homelessness, indigency, and other veteran-related issues individually or jointly;	226 227 228 229
(G) Developing and monitoring programs and agreements to enable state agencies, individually or jointly, that provide services to veterans, including the veterans' homes operated under Chapter 5907. of the Revised Code and the director of job and family services, to address homelessness, indigency, employment, and other veteran-related issues;	230 231 232 233 234 235
(H) Establishing and providing statistical reporting formats and procedures for county veterans service commissions;	236 237
(I) Publishing annually, promulgating change notices for, and distributing a listing of county veterans service officers, county veterans service commissioners, state directors of veterans affairs, and national and state service officers of accredited veterans organizations and their state headquarters. The listing shall include the expiration dates of commission members' terms of office and the organizations they represent; the names, addresses, and telephone numbers of county veterans service officers and state directors of veterans affairs; and the addresses and telephone numbers of the Ohio offices and headquarters of state and national veterans service organizations.	238 239 240 241 242 243 244 245 246 247 248
(J) Publishing, by the first day of April of each	249

odd-numbered year, a directory of the laws of this state dealing 250
with veterans, as enacted through the conclusion of the previous 251
session of the general assembly, and distributing the publication 252
to each county veterans service office and the state headquarters 253
of each congressionally chartered veterans organization in the 254
state; 255

(K) Establishing a veterans advisory committee to advise and 256
assist the department of veterans services in its duties. Members 257
shall include a member of the military officers association of 258
America who is a resident of this state, a state representative of 259
congressionally chartered veterans organizations referred to in 260
section 5901.02 of the Revised Code, a representative of any other 261
congressionally chartered state veterans organization that has at 262
least one veterans service commissioner in the state, three 263
representatives of the Ohio state association of county veterans 264
service commissioners, who shall have a combined vote of one, 265
three representatives of the state association of county veterans 266
service officers, who shall have a combined vote of one, one 267
representative of the county commissioners association of Ohio, 268
who shall be a county commissioner not from the same county as any 269
of the other county representatives, a representative of the 270
advisory committee on women veterans, a representative of a labor 271
organization, and a representative of the office of the attorney 272
general. The department of veterans services shall submit to the 273
advisory committee proposed rules for the committee's operation. 274
The committee may review and revise these proposed rules prior to 275
submitting them to the joint committee on agency rule review. 276

(L) Adopting, with the advice and assistance of the veterans 277
advisory committee, policy and procedural guidelines that the 278
veterans service commissions shall adhere to in the development 279
and implementation of rules, policies, procedures, and guidelines 280
for the administration of Chapter 5901. of the Revised Code. The 281

department of veterans services shall adopt no guidelines or rules 282
regulating the purposes, scope, duration, or amounts of financial 283
assistance provided to applicants pursuant to sections 5901.01 to 284
5901.15 of the Revised Code. The director of veterans services may 285
obtain opinions from the office of the attorney general regarding 286
rules, policies, procedures, and guidelines of the veterans 287
service commissions and may enforce compliance with Chapter 5901. 288
of the Revised Code. 289

(M) Receiving copies of form DD214 filed in accordance with 290
the director's guidelines adopted under division (L) of this 291
section from members of veterans service commissions appointed 292
under section 5901.02 and from county veterans service officers 293
employed under section 5901.07 of the Revised Code; 294

(N) Developing and maintaining and improving a resource, such 295
as a telephone answering point or a web site, by means of which 296
veterans and their dependents, through a single portal, can access 297
multiple sources of information and interaction with regard to the 298
rights of, and the benefits available to, veterans and their 299
dependents. The director of veterans services may enter into 300
agreements with state and federal agencies, with agencies of 301
political subdivisions, with state and local instrumentalities, 302
and with private entities as necessary to make the resource as 303
complete as is possible. 304

(O) Planning, organizing, advertising, and conducting 305
outreach efforts, such as conferences and fairs, at which veterans 306
and their dependents may meet, learn about the organization and 307
operation of the department of veterans services and of veterans 308
service commissions, and obtain information about the rights of, 309
and the benefits and services available to, veterans and their 310
dependents; 311

(P) Advertising, in print, on radio and television, and 312
otherwise, the rights of, and the benefits and services available 313

to, veterans and their dependents;	314
(Q) Developing and advocating improved benefits and services	315
for, and improved delivery of benefits and services to, veterans	316
and their dependents;	317
(R) Searching for, identifying, and reviewing statutory and	318
administrative policies that relate to veterans and their	319
dependents and reporting to the general assembly statutory and	320
administrative policies that should be consolidated in whole or in	321
part within the organization of the department of veterans	322
services to unify funding, delivery, and accounting of statutory	323
and administrative policy expressions that relate particularly to	324
veterans and their dependents;	325
(S) Encouraging veterans service commissions to innovate and	326
otherwise to improve efficiency in delivering benefits and	327
services to veterans and their dependents and to report successful	328
innovations and efficiencies to the director of veterans services;	329
(T) Publishing and encouraging adoption of successful	330
innovations and efficiencies veterans service commissions have	331
achieved in delivering benefits and services to veterans and their	332
dependents;	333
(U) Establishing advisory committees, in addition to the	334
veterans advisory committee established under division (K) of this	335
section, on veterans issues;	336
(V) Developing and maintaining a relationship with the United	337
States department of veterans affairs, seeking optimal federal	338
benefits and services for Ohio veterans and their dependents, and	339
encouraging veterans service commissions to maximize the federal	340
benefits and services to which veterans and their dependents are	341
entitled;	342
(W) Developing and maintaining relationships with the several	343
veterans organizations, encouraging the organizations in their	344

efforts at assisting veterans and their dependents, and advocating 345
for adequate state subsidization of the organizations; 346

(X) Requiring the several veterans organizations that receive 347
funding from the state annually to report to the director of 348
veterans services and prescribing the form and content of the 349
report; 350

(Y) Investigating complaints against county veterans services 351
commissioners and county veterans service officers if the director 352
reasonably believes the investigation to be appropriate and 353
necessary; 354

(Z) Taking any other actions required by this chapter. 355

Sec. 5923.05. (A)(1) Permanent public employees who are 356
members of the Ohio organized militia or members of other reserve 357
components of the armed forces of the United States, including the 358
Ohio national guard, are entitled to a leave of absence from their 359
respective positions without loss of pay for the time they are 360
performing service in the uniformed services, for periods of up to 361
one month, for each calendar year in which they are performing 362
service in the uniformed services. 363

(2) As used in this section: 364

(a) "Calendar year" means the year beginning on the first day 365
of January and ending on the last day of December. 366

(b) "Month" means twenty-two eight-hour work days or one 367
hundred seventy-six hours, or for a public safety employee, 368
seventeen twenty-four-hour days or four hundred eight hours, 369
within one calendar year. 370

(c) "Permanent public employee" means any person holding a 371
position in public employment that requires working a regular 372
schedule of twenty-six consecutive biweekly pay periods, or any 373
other regular schedule of comparable consecutive pay periods, 374

which is not limited to a specific season or duration. "Permanent public employee" does not include student help; intermittent, seasonal, or external interim employees; or individuals covered by personal services contracts.

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

(e) "Service in the uniformed services" means the performance of duty, on a voluntary or involuntary basis, in a uniformed service, under competent authority, and includes active duty, active duty for training, initial active duty for training, inactive duty for training, full-time national guard duty, and performance of duty or training by a member of the Ohio organized militia pursuant to Chapter 5923. of the Revised Code. "Service in the uniformed services" includes also the period of time for which a person is absent from a position of public or private employment for the purpose of an examination to determine the fitness of the person to perform any duty described in this division.

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

(g) "Public safety employee" means a permanent public employee who is employed as a fire fighter or emergency medical technician.

(B) Except as otherwise provided in division (D) of this

section, any permanent public employee who is employed by a 406
political subdivision, who is entitled to the leave provided under 407
division (A) of this section, and who is called or ordered to the 408
uniformed services for longer than a month, for each calendar year 409
in which the employee performed service in the uniformed services, 410
because of an executive order issued by the president of the 411
United States, because of an act of congress, or because of an 412
order to perform duty issued by the governor pursuant to section 413
5919.29 of the Revised Code is entitled, during the period 414
designated in the order or act, to a leave of absence and to be 415
paid, during each monthly pay period of that leave of absence, the 416
lesser of the following: 417

(1) The difference between the permanent public employee's 418
gross monthly wage or salary as a permanent public employee and 419
the sum of the permanent public employee's gross uniformed pay and 420
allowances received that month; 421

(2) Five hundred dollars. 422

(C) Except as otherwise provided in division (D) of this 423
section, any permanent public employee who is employed by a state 424
agency, who is entitled to the leave provided under division (A) 425
of this section, and who is called or ordered to the uniformed 426
services for longer than a month, for each calendar year in which 427
the employee performed service in the uniformed services, because 428
of an executive order issued by the president of the United 429
States, because of an act of congress, or because of an order to 430
perform duty issued by the governor pursuant to section 5919.29 or 431
5923.21 of the Revised Code is entitled, during the period 432
designated in the order or act, to a leave of absence and to be 433
paid, during each monthly pay period of that leave of absence, the 434
difference between the permanent public employee's gross monthly 435
wage or salary as a permanent public employee and the sum of the 436
permanent public employee's gross uniformed pay and allowances 437

received that month. 438

(D) No permanent public employee shall receive payments under 439
division (B) or (C) of this section if the sum of the permanent 440
public employee's gross uniformed pay and allowances received in a 441
pay period exceeds the employee's gross wage or salary as a 442
permanent public employee for that period or if the permanent 443
public employee is receiving pay under division (A) of this 444
section. 445

(E) Any political subdivision of the state, as defined in 446
section 2744.01 of the Revised Code, may elect to pay any of its 447
permanent public employees who are entitled to the leave provided 448
under division (A) of this section and who are called or ordered 449
to the uniformed services for longer than one month, for each 450
calendar year in which the employee performed service in the 451
uniformed services, because of an executive order issued by the 452
president or an act of congress, such payments, in addition to 453
those payments required by division (B) of this section, as may be 454
authorized by the legislative authority of the political 455
subdivision. 456

(F) Each permanent public employee who is entitled to leave 457
provided under division (A) of this section shall submit to the 458
permanent public employee's appointing authority the published 459
order authorizing the call or order to the uniformed services or a 460
written statement from the appropriate military commander 461
authorizing that service, prior to being credited with that leave. 462

(G) Any permanent public employee of a political subdivision 463
whose employment is governed by a collective bargaining agreement 464
with provision for the performance of service in the uniformed 465
services shall abide by the terms of that collective bargaining 466
agreement with respect to the performance of that service, except 467
that no collective bargaining agreement may afford fewer rights 468
and benefits than are conferred under this section. 469

Section 2. That existing sections 2108.72, 2108.73, 5902.02, 470
and 5923.05 of the Revised Code are hereby repealed. 471