

**As Reported by the House Veterans Affairs Committee**

**128th General Assembly**

**Regular Session**

**2009-2010**

**Sub. H. B. No. 449**

**Representative Ujvagi**

**Cosponsors: Representatives Yuko, Goyal**

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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 representative with respect to the right of disposition are binding;	21 22 23
(4) The name, last known address, and last known telephone number of the representative or, if the representative is a group of persons, the name, last known address, and last known telephone number of each person in the group;	24 25 26 27
(5) If the declarant chooses to have a successor representative, a statement that if any person or group of persons named as the declarant's representative is disqualified from serving in such position as described in section 2108.75 of the Revised Code, the declarant appoints a successor representative;	28 29 30 31 32
(6) If applicable, the name, last known address, and last known telephone number of the successor representative or, if the successor representative is a group of persons, the name, last known address, and last known telephone number of each person in the group;	33 34 35 36 37
(7) A space where the declarant may indicate the declarant's preferences regarding how the right of disposition should be exercised, including any religious observances the declarant wishes the person with the right of disposition to consider;	38 39 40 41
(8) A space where the declarant may indicate one or more sources of funds that may be used to pay for goods and services associated with the exercise of the right of disposition;	42 43 44
(9) A statement that the declarant's written declaration becomes effective on the declarant's death;	45 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	47 48 49

present written declaration;	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 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.	75 76 77 78
(If the successor representative is a group of persons,	79

indicate the name, last known address, and telephone number of	80
each person in the group.)	81
Name(s): .....	82
Address(es): .....	83
Telephone Number(s): .....	84
PREFERENCES REGARDING HOW THE RIGHT OF DISPOSITION SHOULD BE	85
EXERCISED, INCLUDING ANY RELIGIOUS OBSERVANCES THE DECLARANT	86
WISHES A REPRESENTATIVE OR A SUCCESSOR REPRESENTATIVE TO CONSIDER:	87
.....	88
.....	89
.....	90
.....	91
ONE OR MORE SOURCES OF FUNDS THAT COULD BE USED TO PAY FOR	92
GOODS AND SERVICES ASSOCIATED WITH AN EXERCISE OF THE RIGHT OF	93
DISPOSITION:	94
.....	95
.....	96
.....	97
.....	98
DURATION:	99
The appointment of my representative and, if applicable,	100
successor representative, becomes effective upon my death.	101
PRIOR APPOINTMENTS REVOKED:	102
I hereby revoke any written declaration that I executed in	103
accordance with section 2108.70 of the Ohio Revised Code prior to	104
the date of execution of this written declaration indicated below.	105
AUTHORIZATION TO ACT:	106
I hereby agree that any of the following that receives a copy	107
of this written declaration may act under it:	108
- Cemetery organization;	109

- Crematory operator;	110
- Business operating a columbarium;	111
- Funeral director;	112
- Embalmer;	113
- Funeral home;	114
- Any other person asked to assist with my funeral, burial, cremation, or other manner of final disposition.	115 116
MODIFICATION AND REVOCATION - WHEN EFFECTIVE:	117
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.	118 119 120
LIABILITY:	121
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.	122 123 124 125
Signed this ..... day of .....	126
.....	127
(Signature of declarant)	128
ACKNOWLEDGMENT OF ASSUMPTION OF OBLIGATIONS AND COSTS:	129
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 exercising the right, including any goods and services that are purchased.	130 131 132 133 134 135 136
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
<u>sufficient to constitute a written declaration under section</u>	190
<u>2108.70 of the Revised Code if section 13a of DD Form 93, entitled</u>	191
<u>"Person Authorized to Direct Disposition," has been properly</u>	192
<u>completed by the member of the military who has subsequently died</u>	193
<u>while under active duty orders as described in 10 U.S.C. 1481.</u>	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 219  
Code for the education, training, certification, and duties of 220  
veterans service commissioners and for the revocation of the 221  
certification of a veterans service commissioner; 222

(E) Developing and monitoring programs and agreements 223



enhancing employment and training for veterans in single or	224
multiple county areas;	225
(F) Developing and monitoring programs and agreements to	226
enable county veterans service commissions to address	227
homelessness, indigency, and other veteran-related issues	228
individually or jointly;	229
(G) Developing and monitoring programs and agreements to	230
enable state agencies, individually or jointly, that provide	231
services to veterans, including the veterans' homes operated under	232
Chapter 5907. of the Revised Code and the director of job and	233
family services, to address homelessness, indigency, employment,	234
and other veteran-related issues;	235
(H) Establishing and providing statistical reporting formats	236
and procedures for county veterans service commissions;	237
(I) Publishing annually, promulgating change notices for, and	238
distributing a listing of county veterans service officers, county	239
veterans service commissioners, state directors of veterans	240
affairs, and national and state service officers of accredited	241
veterans organizations and their state headquarters. The listing	242
shall include the expiration dates of commission members' terms of	243
office and the organizations they represent; the names, addresses,	244
and telephone numbers of county veterans service officers and	245
state directors of veterans affairs; and the addresses and	246
telephone numbers of the Ohio offices and headquarters of state	247
and national veterans service organizations.	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 administrative policies that relate to veterans and their dependents and reporting to the general assembly statutory and administrative policies that should be consolidated in whole or in part within the organization of the department of veterans services to unify funding, delivery, and accounting of statutory and administrative policy expressions that relate particularly to veterans and their dependents;

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

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

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

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

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

(X) Requiring the several veterans organizations that receive funding from the state annually to report to the director of

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 375  
public employee" does not include student help; intermittent, 376  
seasonal, or external interim employees; or individuals covered by 377  
personal services contracts. 378

(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 political subdivision, who is entitled to the leave provided under division (A) of this section, and who is called or ordered to the uniformed services for longer than a month, for each calendar year in which the employee performed service in the uniformed services,

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