

**As Introduced**

**129th General Assembly  
Regular Session  
2011-2012**

**H. B. No. 490**

**Representatives Dovilla, Landis**

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**A B I L L**

To amend sections 149.01, 317.24, 3333.31, and 5902.02 of the Revised Code to change the law regarding a County Recorder's release of a veteran's record of discharge, to modify the duties of the Director of Veterans Services with respect to publishing information about Veterans Services offices, to modify the composition of the Veterans Advisory Committee, and to grant in-state tuition for nonresident spouses and dependents of veterans who served on active duty and are deceased.

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

**Section 1.** That sections 149.01, 317.24, 3333.31, and 5902.02 of the Revised Code be amended to read as follows:

**Sec. 149.01.** Each elective state officer, the adjutant general, the adult parole authority, the department of agriculture, the director of administrative services, the public utilities commission, the superintendent of insurance, the superintendent of financial institutions, the superintendent of purchases and printing, ~~the state commissioner of soldiers' claims,~~ the fire marshal, the industrial commission, the

administrator of workers' compensation, the state department of 21  
transportation, the department of health, the state medical board, 22  
the state dental board, the board of embalmers and funeral 23  
directors, the Ohio commission for the blind, the accountancy 24  
board of Ohio, the state council of uniform state laws, the board 25  
of commissioners of the sinking fund, the department of taxation, 26  
the board of tax appeals, the division of liquor control, the 27  
director of state armories, the trustees of the Ohio state 28  
university, and every private or quasi-public institution, 29  
association, board, or corporation receiving state money for its 30  
use and purpose shall make annually, at the end of each fiscal 31  
year, in quadruplicate, a report of the transactions and 32  
proceedings of that office or department for that fiscal year, 33  
excepting receipts and disbursements unless otherwise specifically 34  
required by law. The report shall contain a summary of the 35  
official acts of the officer, board, council, commission, 36  
institution, association, or corporation and any suggestions and 37  
recommendations that are proper. On the first day of August of 38  
each year, one of the reports shall be filed with the governor, 39  
one with the secretary of state, and one with the state library, 40  
and one shall be kept on file in the office of the officer, board, 41  
council, commission, institution, association, or corporation. 42

**Sec. 317.24.** (A) As used in this section: 43

(1) "Authorized party" means any of the following: 44

(a) The person who is the subject of the record of discharge; 45

(b) A county veterans service officer, ~~or an~~ who is certified 46  
by the department of veterans services; 47

(c) An attorney-in-fact, agent, or other representative of 48  
the person who is the subject of the record of discharge, if 49  
authorized to inspect or copy the record of discharge by that 50  
person in a power of attorney or other document; 51

~~(e)~~(d) A person authorized, for good cause shown, by a court  
of record to inspect or copy the record of discharge;

~~(d)~~(e) If the person who is the subject of the record of  
discharge is deceased, the executor or administrator, or an heir,  
legatee, or devisee, of the person's estate or a funeral director  
who is to perform the funeral for the deceased person.

(2) "Separation code" or "separation program number" means  
the coded number or numbers used to specify the reasons for a  
person's separation from active duty, as contained in one of the  
following:

(a) Regarding a separation code, as contained in line 23 or  
26 of a veteran's discharge paper, United States department of  
defense form DD-214;

(b) Regarding a separation program number, as contained in  
line 9(c) or line 11(c) of a veteran's discharge paper, under  
prior versions of United States department of defense form DD-214.

(3) "Service-related document" means any United States  
department of defense form DD-215 or DD-220, or any National Guard  
Bureau form NGB-22 or NGB-22A.

(B)(1) Upon request of any discharged member of the armed  
forces of the United States and presentation of the member's  
discharge, the county recorder shall record the discharge in a  
book to be furnished by the board of county commissioners for that  
purpose. There shall be no fee for the recording. The record of  
discharge, or a certified copy of the record, shall be received in  
evidence in all cases where the original discharge would be  
received.

(2)(a) A discharge recorded under division (B)(1) or (D) of  
this section is not a public record under section 149.43 of the  
Revised Code for a period of seventy-five years after the date of  
the recording. During that period, the county recorder's office

shall make the record of discharge available only to an authorized party or to a person other than an authorized party as provided by division (B)(2)(b) of this section. Except as provided in section 317.27 of the Revised Code, the authorized party shall pay the reasonable costs of copying the record of discharge.

(b) A person other than an authorized party may request to view or receive a copy of a discharge record recorded under division (B)(1) or (D) of this section. Upon such a person's request, the county recorder's office shall provide a copy of the discharged record to the person that shall be redacted to contain only the name, rank, date of birth, date of discharge, and type of discharge of the person who is the subject of the discharge record. Except as provided in section 317.27 of the Revised Code, a person other than an authorized party shall pay the reasonable costs of copying the record of discharge.

(3) A county veterans service officer, who is an authorized party, may request to receive, from a county recorder's office, a record of discharge if the veterans service officer has a need for access to the record of discharge for the purpose of supporting a veteran's claim for benefits, and the county recorder's office shall make the record available to the county veterans service officer.

(C) Upon application by a person whose discharge has been recorded pursuant to this section, the county recorder shall, without fee, expunge the person's record of discharge, expunge the person's separation program number or separation code from the person's record of discharge and from any of the person's other service-related documents that have been recorded, or expunge the person's social security number from the person's record of discharge and from any of the person's other service-related documents that have been recorded. The application shall be in the following form:

"APPLICATION FOR EXPUNGEMENT 115  
OF DISCHARGE RECORD OR OTHER INFORMATION 116

I, ..... (Name of Applicant), the undersigned, 117  
hereby request the County Recorder of the County of ..... 118  
(Name of County), state of Ohio, to expunge my ..... (Insert 119  
Record of Discharge, Separation Program Number or Separation Code 120  
from my Record of Discharge and other service-related documents, 121  
or Social Security Number from my Record of Discharge and other 122  
service-related documents). 123

Dated this ..... day of ....., ..... 124

.....  
(Signature of Applicant)

Sworn to and subscribed before me by ..... (Name of 125  
Applicant) on ....., ..... 126

.....

Notary Public 127

My commission expires ....., ....." 128

(D) Upon the request of any person who served during World 129  
War I or World War II as a member of any armed force of the 130  
government of Poland or Czechoslovakia and participated while so 131  
serving in armed conflict with an enemy of the United States and 132  
who has been a citizen of the United States for at least ten 133  
years, and the presentation of the person's discharge, the county 134  
recorder shall record the person's discharge in a book to be 135  
furnished by the board of county commissioners for that purpose. 136  
No fee shall be charged for the recording. The record, or a 137  
certified copy of it, shall be received in evidence in all cases 138  
where the original would be received. 139

**Sec. 3333.31.** (A) For state subsidy and tuition surcharge 140  
purposes, status as a resident of Ohio shall be defined by the 141  
chancellor of the Ohio board of regents by rule promulgated 142

pursuant to Chapter 119. of the Revised Code. No adjudication as 143  
to the status of any person under such rule, however, shall be 144  
required to be made pursuant to Chapter 119. of the Revised Code. 145  
The term "resident" for these purposes shall not be equated with 146  
the definition of that term as it is employed elsewhere under the 147  
laws of this state and other states, and shall not carry with it 148  
any of the legal connotations appurtenant thereto. Rather, except 149  
as provided in divisions (B) and (D) of this section, for such 150  
purposes, the rule promulgated under this section shall have the 151  
objective of excluding from treatment as residents those who are 152  
present in the state primarily for the purpose of attending a 153  
state-supported or state-assisted institution of higher education, 154  
and may prescribe presumptive rules, rebuttable or conclusive, as 155  
to such purpose based upon the source or sources of support of the 156  
student, residence prior to first enrollment, evidence of 157  
intention to remain in the state after completion of studies, or 158  
such other factors as the chancellor deems relevant. 159

(B) The rules of the chancellor for determining student 160  
residency shall grant residency status to a veteran and to the 161  
veteran's spouse and any dependent of the veteran, if both of the 162  
following conditions are met: 163

(1) The veteran either: 164

(a) Served one or more years on active military duty and was 165  
honorably discharged or received a medical discharge that was 166  
related to the military service; 167

(b) Was killed while serving on active military duty or has 168  
been declared to be missing in action or a prisoner of war. 169

(2) If the veteran seeks residency status for tuition 170  
surcharge purposes, the veteran has established domicile in this 171  
state as of the first day of a term of enrollment in an 172  
institution of higher education. If the spouse or a dependent of 173

the veteran seeks residency status for tuition surcharge purposes, 174  
the veteran and the spouse or dependent seeking residency status 175  
have established domicile in this state as of the first day of a 176  
term of enrollment in an institution of higher education, except 177  
that if the veteran was killed while serving on active military 178  
duty ~~or~~, has been declared to be missing in action or a prisoner 179  
of war, or is deceased after discharge, only the spouse or 180  
dependent seeking residency status shall be required to have 181  
established domicile in accordance with this division. 182

(C) The rules of the chancellor for determining student 183  
residency shall not deny residency status to a student who is 184  
either a dependent child of a parent, or the spouse of a person 185  
who, as of the first day of a term of enrollment in an institution 186  
of higher education, has accepted full-time employment and 187  
established domicile in this state for reasons other than gaining 188  
the benefit of favorable tuition rates. 189

Documentation of full-time employment and domicile shall 190  
include both of the following documents: 191

(1) A sworn statement from the employer or the employer's 192  
representative on the letterhead of the employer or the employer's 193  
representative certifying that the parent or spouse of the student 194  
is employed full-time in Ohio; 195

(2) A copy of the lease under which the parent or spouse is 196  
the lessee and occupant of rented residential property in the 197  
state, a copy of the closing statement on residential real 198  
property of which the parent or spouse is the owner and occupant 199  
in this state or, if the parent or spouse is not the lessee or 200  
owner of the residence in which the parent or spouse has 201  
established domicile, a letter from the owner of the residence 202  
certifying that the parent or spouse resides at that residence. 203

Residency officers may also evaluate, in accordance with the 204

chancellor's rule, requests for immediate residency status from 205  
dependent students whose parents are not living and whose domicile 206  
follows that of a legal guardian who has accepted full-time 207  
employment and established domicile in the state for reasons other 208  
than gaining the benefit of favorable tuition rates. 209

(D)(1) The rules of the chancellor for determining student 210  
residency shall grant residency status to a person who, while a 211  
resident of this state for state subsidy and tuition surcharge 212  
purposes, graduated from a high school in this state or completed 213  
the final year of instruction at home as authorized under section 214  
3321.04 of the Revised Code, if the person enrolls in an 215  
institution of higher education and establishes domicile in this 216  
state, regardless of the student's residence prior to that 217  
enrollment. 218

(2) The rules of the chancellor for determining student 219  
residency shall not grant residency status to an alien if the 220  
alien is not also an immigrant or a nonimmigrant. 221

(E) As used in this section: 222

(1) "Dependent," "domicile," "institution of higher 223  
education," and "residency officer" have the meanings ascribed in 224  
the chancellor's rules adopted under this section. 225

(2) "Alien" means a person who is not a United States citizen 226  
or a United States national. 227

(3) "Immigrant" means an alien who has been granted the right 228  
by the United States bureau of citizenship and immigration 229  
services to reside permanently in the United States and to work 230  
without restrictions in the United States. 231

(4) "Nonimmigrant" means an alien who has been granted the 232  
right by the United States bureau of citizenship and immigration 233  
services to reside temporarily in the United States. 234

Sec. 5902.02. The duties of the director of veterans services	235
shall include the following:	236
(A) Furnishing the veterans service commissions of all	237
counties of the state copies of the state laws, rules, and	238
legislation relating to the operation of the commissions and their	239
offices;	240
(B) Upon application, assisting the general public in	241
obtaining records of vital statistics pertaining to veterans or	242
their dependents;	243
(C) Adopting rules pursuant to Chapter 119. of the Revised	244
Code pertaining to minimum qualifications for hiring, certifying,	245
and accrediting county veterans service officers, pertaining to	246
their required duties, and pertaining to revocation of the	247
certification of county veterans service officers;	248
(D) Adopting rules pursuant to Chapter 119. of the Revised	249
Code for the education, training, certification, and duties of	250
veterans service commissioners and for the revocation of the	251
certification of a veterans service commissioner;	252
(E) Developing and monitoring programs and agreements	253
enhancing employment and training for veterans in single or	254
multiple county areas;	255
(F) Developing and monitoring programs and agreements to	256
enable county veterans service commissions to address	257
homelessness, indigency, and other veteran-related issues	258
individually or jointly;	259
(G) Developing and monitoring programs and agreements to	260
enable state agencies, individually or jointly, that provide	261
services to veterans, including the veterans' homes operated under	262
Chapter 5907. of the Revised Code and the director of job and	263
family services, to address homelessness, indigency, employment,	264

and other veteran-related issues; 265

(H) Establishing and providing statistical reporting formats 266  
and procedures for county veterans service commissions; 267

(I) Publishing ~~annually, promulgating change notices for, and~~ 268  
~~distributing electronically~~ a listing of county veterans service 269  
~~officers, offices and~~ county veterans service commissioners, ~~state~~ 270  
~~directors of veterans affairs, and national and state service~~ 271  
~~officers of accredited veterans organizations and their state~~ 272  
~~headquarters.~~ The listing shall include the expiration dates of 273  
commission members' terms of office and the organizations they 274  
represent; the names, addresses, and telephone numbers of county 275  
veterans service ~~officers and state directors of veterans affairs~~ 276  
offices; and the addresses and telephone numbers of the Ohio 277  
offices and headquarters of state and national veterans service 278  
organizations. 279

(J) Establishing a veterans advisory committee to advise and 280  
assist the department of veterans services in its duties. Members 281  
shall include a member of the national guard association of the 282  
United States who is a resident of this state, a member of the 283  
military officers association of America who is a resident of this 284  
state, a state representative of congressionally chartered 285  
veterans organizations referred to in section 5901.02 of the 286  
Revised Code, a representative of any other congressionally 287  
chartered state veterans organization that has at least one 288  
veterans service commissioner in the state, three representatives 289  
of the Ohio state association of county veterans service 290  
commissioners, who shall have a combined vote of one, three 291  
representatives of the state association of county veterans 292  
service officers, who shall have a combined vote of one, one 293  
representative of the county commissioners association of Ohio, 294  
who shall be a county commissioner not from the same county as any 295  
of the other county representatives, a representative of the 296

advisory committee on women veterans, a representative of a labor 297  
organization, and a representative of the office of the attorney 298  
general. The department of veterans services shall submit to the 299  
advisory committee proposed rules for the committee's operation. 300  
The committee may review and revise these proposed rules prior to 301  
submitting them to the joint committee on agency rule review. 302

(K) Adopting, with the advice and assistance of the veterans 303  
advisory committee, policy and procedural guidelines that the 304  
veterans service commissions shall adhere to in the development 305  
and implementation of rules, policies, procedures, and guidelines 306  
for the administration of Chapter 5901. of the Revised Code. The 307  
department of veterans services shall adopt no guidelines or rules 308  
regulating the purposes, scope, duration, or amounts of financial 309  
assistance provided to applicants pursuant to sections 5901.01 to 310  
5901.15 of the Revised Code. The director of veterans services may 311  
obtain opinions from the office of the attorney general regarding 312  
rules, policies, procedures, and guidelines of the veterans 313  
service commissions and may enforce compliance with Chapter 5901. 314  
of the Revised Code. 315

(L) Receiving copies of form DD214 filed in accordance with 316  
the director's guidelines adopted under division (L) of this 317  
section from members of veterans service commissions appointed 318  
under section 5901.02 and from county veterans service officers 319  
employed under section 5901.07 of the Revised Code; 320

(M) Developing and maintaining and improving a resource, such 321  
as a telephone answering point or a web site, by means of which 322  
veterans and their dependents, through a single portal, can access 323  
multiple sources of information and interaction with regard to the 324  
rights of, and the benefits available to, veterans and their 325  
dependents. The director of veterans services may enter into 326  
agreements with state and federal agencies, with agencies of 327  
political subdivisions, with state and local instrumentalities, 328

and with private entities as necessary to make the resource as 329  
complete as is possible. 330

(N) Planning, organizing, advertising, and conducting 331  
outreach efforts, such as conferences and fairs, at which veterans 332  
and their dependents may meet, learn about the organization and 333  
operation of the department of veterans services and of veterans 334  
service commissions, and obtain information about the rights of, 335  
and the benefits and services available to, veterans and their 336  
dependents; 337

(O) Advertising, in print, on radio and television, and 338  
otherwise, the rights of, and the benefits and services available 339  
to, veterans and their dependents; 340

(P) Developing and advocating improved benefits and services 341  
for, and improved delivery of benefits and services to, veterans 342  
and their dependents; 343

(Q) Searching for, identifying, and reviewing statutory and 344  
administrative policies that relate to veterans and their 345  
dependents and reporting to the general assembly statutory and 346  
administrative policies that should be consolidated in whole or in 347  
part within the organization of the department of veterans 348  
services to unify funding, delivery, and accounting of statutory 349  
and administrative policy expressions that relate particularly to 350  
veterans and their dependents; 351

(R) Encouraging veterans service commissions to innovate and 352  
otherwise to improve efficiency in delivering benefits and 353  
services to veterans and their dependents and to report successful 354  
innovations and efficiencies to the director of veterans services; 355

(S) Publishing and encouraging adoption of successful 356  
innovations and efficiencies veterans service commissions have 357  
achieved in delivering benefits and services to veterans and their 358  
dependents; 359

(T) Establishing advisory committees, in addition to the 360  
veterans advisory committee established under division (K) of this 361  
section, on veterans issues; 362

(U) Developing and maintaining a relationship with the United 363  
States department of veterans affairs, seeking optimal federal 364  
benefits and services for Ohio veterans and their dependents, and 365  
encouraging veterans service commissions to maximize the federal 366  
benefits and services to which veterans and their dependents are 367  
entitled; 368

(V) Developing and maintaining relationships with the several 369  
veterans organizations, encouraging the organizations in their 370  
efforts at assisting veterans and their dependents, and advocating 371  
for adequate state subsidization of the organizations; 372

(W) Requiring the several veterans organizations that receive 373  
funding from the state annually to report to the director of 374  
veterans services and prescribing the form and content of the 375  
report; 376

(X) Investigating complaints against county veterans services 377  
commissioners and county veterans service officers if the director 378  
reasonably believes the investigation to be appropriate and 379  
necessary; 380

(Y) Taking any other actions required by this chapter. 381

**Section 2.** That existing sections 149.01, 317.24, 3333.31, 382  
and 5902.02 of the Revised Code are hereby repealed. 383