

As Introduced

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

S. B. No. 176

Senator LaRose

Cosponsors: Senators Cates, Kearney

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A B I L L

To amend sections 3313.65 and 5901.02, and to repeal 1
section 5901.021 of the Revised Code to correct an 2
obsolete reference and to eliminate the authority 3
for additional Veterans' Commission members in 4
counties with a population of more than five 5
hundred thousand. 6

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

Section 1. That sections 3313.65 and 5901.02 of the Revised 7
Code be amended to read as follows: 8

Sec. 3313.65. (A) As used in this section and section 3313.64 9
of the Revised Code: 10

(1) A person is "in a residential facility" if the person is 11
a resident or a resident patient of an institution, home, or other 12
residential facility that is: 13

(a) Licensed as a nursing home, residential care facility, or 14
home for the aging by the director of health under section 3721.02 15
of the Revised Code; 16

(b) Licensed as an adult care facility by the director of 17
health under Chapter 3722. of the Revised Code; 18

(c) Maintained as a county home or district home by the board of county commissioners or a joint board of county commissioners under Chapter 5155. of the Revised Code;

(d) Operated or administered by a board of alcohol, drug addiction, and mental health services under section 340.03 or 340.06 of the Revised Code, or provides residential care pursuant to contracts made under section 340.03 or 340.033 of the Revised Code;

(e) Maintained as a state institution for the mentally ill under Chapter 5119. of the Revised Code;

(f) Licensed by the department of mental health under section 5119.20 or 5119.22 of the Revised Code;

(g) Licensed as a residential facility by the department of developmental disabilities under section 5123.19 of the Revised Code;

(h) Operated by the veteran's administration or another agency of the United States government;

(i) The Operated by the Ohio soldiers' and sailors' home veterans' home agency.

(2) A person is "in a correctional facility" if any of the following apply:

(a) The person is an Ohio resident and is:

(i) Imprisoned, as defined in section 1.05 of the Revised Code;

(ii) Serving a term in a community-based correctional facility or a district community-based correctional facility;

(iii) Required, as a condition of parole, a post-release control sanction, a community control sanction, transitional control, or early release from imprisonment, as a condition of shock parole or shock probation granted under the law in effect

prior to July 1, 1996, or as a condition of a furlough granted 49
under the version of section 2967.26 of the Revised Code in effect 50
prior to March 17, 1998, to reside in a halfway house or other 51
community residential center licensed under section 2967.14 of the 52
Revised Code or a similar facility designated by the court of 53
common pleas that established the condition or by the adult parole 54
authority. 55

(b) The person is imprisoned in a state correctional 56
institution of another state or a federal correctional institution 57
but was an Ohio resident at the time the sentence was imposed for 58
the crime for which the person is imprisoned. 59

(3) A person is "in a juvenile residential placement" if the 60
person is an Ohio resident who is under twenty-one years of age 61
and has been removed, by the order of a juvenile court, from the 62
place the person resided at the time the person became subject to 63
the court's jurisdiction in the matter that resulted in the 64
person's removal. 65

(4) "Community control sanction" has the same meaning as in 66
section 2929.01 of the Revised Code. 67

(5) "Post-release control sanction" has the same meaning as 68
in section 2967.01 of the Revised Code. 69

(B) If the circumstances described in division (C) of this 70
section apply, the determination of what school district must 71
admit a child to its schools and what district, if any, is liable 72
for tuition shall be made in accordance with this section, rather 73
than section 3313.64 of the Revised Code. 74

(C) A child who does not reside in the school district in 75
which the child's parent resides and for whom a tuition obligation 76
previously has not been established under division (C)(2) of 77
section 3313.64 of the Revised Code shall be admitted to the 78
schools of the district in which the child resides if at least one 79

of the child's parents is in a residential or correctional 80
facility or a juvenile residential placement and the other parent, 81
if living and not in such a facility or placement, is not known to 82
reside in this state. 83

(D) Regardless of who has custody or care of the child, 84
whether the child resides in a home, or whether the child receives 85
special education, if a district admits a child under division (C) 86
of this section, tuition shall be paid to that district as 87
follows: 88

(1) If the child's parent is in a juvenile residential 89
placement, by the district in which the child's parent resided at 90
the time the parent became subject to the jurisdiction of the 91
juvenile court; 92

(2) If the child's parent is in a correctional facility, by 93
the district in which the child's parent resided at the time the 94
sentence was imposed; 95

(3) If the child's parent is in a residential facility, by 96
the district in which the parent resided at the time the parent 97
was admitted to the residential facility, except that if the 98
parent was transferred from another residential facility, tuition 99
shall be paid by the district in which the parent resided at the 100
time the parent was admitted to the facility from which the parent 101
first was transferred; 102

(4) In the event of a disagreement as to which school 103
district is liable for tuition under division (C)(1), (2), or (3) 104
of this section, the superintendent of public instruction shall 105
determine which district shall pay tuition. 106

(E) If a child covered by division (D) of this section 107
receives special education in accordance with Chapter 3323. of the 108
Revised Code, the tuition shall be paid in accordance with section 109
3323.13 or 3323.14 of the Revised Code. Tuition for children who 110

do not receive special education shall be paid in accordance with 111
division (J) of section 3313.64 of the Revised Code. 112

Sec. 5901.02. In each county there shall be a commission 113
known as "the veterans service commission." ~~Except as provided in~~ 114
~~section 5901.021 of the Revised Code, the~~ The commission shall be 115
composed of five residents of the county appointed to five-year 116
terms by a judge of the court of common pleas. At the time of 117
appointment or reappointment to the commission, no commission 118
member appointed under this section shall be an employee of the 119
commission or hold an elective or other appointive office of the 120
county served by the commission. 121

Each member of the commission appointed under this section 122
shall be an honorably discharged or honorably separated veteran. 123
Within sixty days after the date of appointment, each such member 124
shall file the member's form DD214 with the department of veterans 125
services in accordance with guidelines established by the director 126
of that department. Such appointments shall be made from lists of 127
recommended persons, in the manner specified in the following 128
paragraph. One person shall be a representative recommended by the 129
American Legion; one person shall be a representative recommended 130
by the Veterans of Foreign Wars; one person shall be a 131
representative recommended by the Disabled American Veterans; one 132
person shall be a representative recommended by the AMVETS; and 133
one person shall be a representative recommended by the Military 134
Order of the Purple Heart of the U.S.A., the Vietnam Veterans of 135
America, or the Korean War Veterans Association. If any such 136
organization has no post or chapter located in the county, the 137
appointment shall be made from lists of recommended persons 138
submitted by posts or chapters of any other congressionally 139
chartered veterans organizations located in the county. If no such 140
other organizations have posts or chapters located in the county, 141
the judge responsible for making appointments under this section 142

may appoint any qualified veteran to represent the veteran community. 143
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On or before the fifteenth day of October of each year, the appointing judge shall notify each post or chapter of each organization within the county from which the member may or must be appointed that it may submit a list containing three recommendations of persons who are eligible for appointment. If the judge does not receive any recommendations within sixty days after providing the required notification, the judge may appoint any qualified veteran to represent the veteran community. The judge shall make the appointment on or before the fifteenth day of January of each year. Any vacancy in a membership appointed under this section shall be filled in the same manner as the original appointments. 145
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Beginning in the year 2000, appointment of members to the commission under this section shall be made as follows: 157
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(A) Appointments for members to represent the American Legion shall be made for terms to commence in years ending in zero and five. 159
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(B) Appointments for members to represent the Veterans of Foreign Wars shall be made for terms to commence in years ending in one and six. 162
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(C) Appointments for members to represent the Disabled American Veterans shall be made for terms to commence in years ending in two and seven. 165
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(D) Appointments for members to represent the AMVETS shall be made for terms to commence in years ending in three and eight. 168
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(E) Appointments for members to represent the Military Order of the Purple Heart of the U.S.A., the Vietnam Veterans of America, or the Korean War Veterans Association shall be made for terms to commence in years ending in four and nine. 170
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The terms immediately preceding the initial appointments made 174
under divisions (A) to (E) of this section may be for periods of 175
less than five years. 176

The appointing authority shall remove a member who fails to 177
maintain certification or whose certification is revoked by the 178
director of veterans services. 179

Section 2. That existing sections 3313.65 and 5901.02 and 180
section 5901.021 of the Revised Code are repealed. 181

Section 3. As the terms of members who hold additional 182
memberships on a veterans service commission under section 183
5901.021 of the Revised Code expire, the additional memberships 184
are abolished. When the term of the last such member expires, the 185
membership of the commission shall be constituted only as 186
prescribed in section 5901.02 of the Revised Code. 187

Section 4. Section 3313.65 of the Revised Code is presented 188
in this act as a composite of the section as amended by both Am. 189
Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly. The 190
General Assembly, applying the principle stated in division (B) of 191
section 1.52 of the Revised Code that amendments are to be 192
harmonized if reasonably capable of simultaneous operation, finds 193
that the composite is the resulting version of the section in 194
effect prior to the effective date of the section as presented in 195
this act. 196