

(127th General Assembly)  
(House Bill Number 649)

# AN ACT

To amend section 5902.02 and to enact sections 5902.16 and 5902.161 of the Revised Code to provide compensation to veterans of the Persian Gulf, Afghanistan, and Iraq conflicts.

*Be it enacted by the General Assembly of the State of Ohio:*

SECTION 1. That section 5902.02 be amended and sections 5902.16 and 5902.161 of the Revised Code be enacted to read as follows:

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

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

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

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

(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;

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

(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;

(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;

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

(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.

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

(K) Establishing a veterans advisory committee to advise and assist the department of veterans services in its duties. Members shall include a state representative of congressionally chartered veterans organizations referred to in section 5901.02 of the Revised Code, a representative of any other congressionally chartered state veterans organization that has at least one veterans service commissioner in the state, three representatives of the Ohio state association of county veterans service commissioners, who shall have a combined vote of one, three representatives of the state association of county veterans service officers, who shall have a combined vote of one, one representative of the county commissioners association of Ohio, who shall be a county commissioner not from the same county as any of the other county representatives, a representative of the advisory committee on women veterans, a representative of a labor organization, and a representative of the office of the attorney general. The department of veterans services shall submit to the advisory committee proposed rules for the committee's operation. The committee may review and revise these proposed rules prior to submitting them to the joint committee on agency rule review.

(L) Adopting, with the advice and assistance of the veterans advisory committee, policy and procedural guidelines that the veterans service commissions shall adhere to in the development and implementation of

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

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

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

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

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

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

(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 report;

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

(Z) Administering the Persian gulf, Afghanistan, and Iraq conflict compensation program established in section 5902.16 of the Revised Code and adopting rules as necessary to implement the program;

(AA) Taking any other actions required by this chapter.

Sec. 5902.16. (A) As used in this section:

"Afghanistan service" means military service within Afghanistan during the period between October 7, 2001, and the date determined by the president or congress of the United States as the end of the involvement of the United States armed forces in Afghanistan.

"Domestic service" means service within the territorial limits of the fifty states, excluding sea duty.

"Foreign service" means service in locations other than the territorial limits of the fifty states, excluding Persian gulf, Afghanistan, or Iraq service.

"Iraq service" means military service within Iraq during the period between March 19, 2003, and the date determined by the president or congress of the United States as the end of the involvement of the United

States armed forces in Iraq.

"Persian gulf service" means military service within the Persian gulf theater of operations during the period between August 2, 1990, and March 3, 1991.

"United States armed forces" includes members of the Ohio national guard serving on active duty.

(B) The director of veterans services shall implement and administer the Persian gulf, Afghanistan, and Iraq conflicts compensation program. Under the program, payments shall be made to each person who meets all of the following requirements:

(1) The person has served in active duty in the United States armed forces, except active duty for training only, at any time between August 2, 1990, and March 3, 1991, at any time between October 7, 2001, and the date determined by the president or congress of the United States as the end of involvement of the United States armed forces in Afghanistan, or at any time between March 19, 2003, and the date determined by the president or congress of the United States as the end of the involvement of the United States armed forces in Iraq;

(2) The person was an Ohio resident for at least one year immediately preceding the start of active duty service and is currently an Ohio resident;

(3) The person was separated from the United States armed forces under honorable conditions, is still serving in active duty service, is retired from active duty service, or remains in the Ohio national guard after serving on active duty.

(C) A person who meets the requirements of division (B) of this section may apply to receive compensation of fifty dollars for each month of active domestic or foreign service and one hundred dollars for each month of Persian gulf, Afghanistan, or Iraq service during the compensable periods. A person who is medically discharged or medically retired from service due to combat-related disabilities sustained during Persian gulf, Afghanistan, or Iraq service may apply to receive compensation of one thousand dollars. The maximum amount of cash payable to any person in active domestic or foreign service is five hundred dollars and the maximum amount of cash payable to any person in Persian gulf, Afghanistan, or Iraq service is one thousand dollars, unless the person qualifies for a survivor's payment or a payment based on missing in action or prisoner of war status under division (D) of this section. Compensation for a fraction of a month of service shall be paid on the basis of one-thirtieth of the appropriate monthly amount for each day of service.

(D)(1) The surviving spouse, surviving child or children, or surviving

parent or parents, including a person or persons standing in loco parentis for one year preceding commencement of service in the United States armed forces, is entitled to, and may apply to receive, the same amount of compensation that the person who served in the armed forces would have received under division (C) of this section. If the United States department of veterans' affairs determines that the person's death was the result of injuries or illness sustained in Persian gulf, Afghanistan, or Iraq service, the person's survivors are entitled to, and may apply for, a survivor's payment of five thousand dollars, regardless of the amount of compensation that the deceased would have been entitled to receive under this section, if living. The survivor's payment shall be made to the surviving spouse. If there is no surviving spouse, the payment shall go to the surviving child or children. If there are no surviving children, the payment shall go to the surviving parent or parents or person or persons standing in loco parentis.

(2) A person designated by the United States department of defense as missing in action as a result of honorable service or held in enemy captivity, or the spouse, child, or parent, including a person standing in loco parentis for one year preceding commencement of active duty service, of a person designated as missing in action or held in enemy captivity, is entitled to, and may apply for, a payment of five thousand dollars. This payment replaces any other cash benefit payable under this section. While the person is missing or held captive, the payment shall be made to the person's spouse. If there is no spouse to claim the payment, payment shall be made to the person's child or children. If the person does not have children, payment shall be made to the person's parent or parents or person or persons standing in loco parentis.

No payment to a spouse, child, parent, or person in loco parentis of a person designated as missing in action as a result of honorable service or held in enemy captivity, while the person is missing in action or held captive, shall prevent the missing or captive person from claiming and receiving a bonus of an equal amount on the person's release or location.

(E) Compensation shall not be paid under this section as follows:

(1) To any person who received from another state a bonus or compensation of a similar nature;

(2) To any person who served less than ninety days in the United States armed forces, unless active duty was terminated as a result of injuries or illness sustained during Persian gulf, Afghanistan, or Iraq service during the compensable period;

(3) To any person for any time period spent under penal confinement during the compensable period.

(F) All applications for payment of compensation under this section shall be made to the director according to the following schedule:

(1) For Persian gulf service, not later than December 31, 2010.

(2) For Afghanistan service, not later than three years after the date determined by the president or congress of the United States as the end of involvement of the United States armed forces in Afghanistan.

(3) For Iraq service, not later than three years after the date determined by the president or congress of the United States as the end of involvement of the United States armed forces in Iraq.

(G) The director shall have complete charge of making payment of compensation under division (C) of this section and shall adopt rules, including rules regarding the amounts to which beneficiaries are entitled, residency requirements, and any other rules necessary to implement this section. These rules shall be adopted in accordance with Chapter 119. of the Revised Code.

The director shall select and appoint legal counsel and employees as are necessary and fix their compensation and prescribe their duties. All appointees shall serve at the director's pleasure. When practical, the director shall employ Persian gulf, Afghanistan, and Iraq conflict veterans to fill such positions.

(H) No sale or assignment of any right or claim to compensation under this section shall be valid. No claims of creditors shall be enforceable against rights or claims to or payments of compensation under this section. No fees shall be charged for services in connection with the prosecution of any right or claim to compensation or the collection of any compensation under this section.

(I) On payment of all valid claims for cash compensation made within the time limitations under this section, the director shall make a final report to the general assembly. Any funds remaining in the Persian gulf, Afghanistan, and Iraq conflicts compensation fund shall be transferred to the budget stabilization fund.

Sec. 5902.161. (A) There is hereby created in the state treasury the Persian gulf, Afghanistan, and Iraq conflicts compensation fund. The fund shall consist of amounts lawfully appropriated, transferred, and credited to the fund. The director of veterans services shall use the fund to pay for compensation to veterans of the Persian gulf, Afghanistan, and Iraq conflicts in accordance with section 5902.16 of the Revised Code. All investment earnings of the fund shall be credited to the fund.

(B) If the director of veterans services determines that the money available in the Persian gulf, Afghanistan, and Iraq conflicts compensation

fund is inadequate to provide the compensation required by section 5902.16 of the Revised Code, the director of veterans services shall request that the director of budget and management transfer an amount in cash, estimated by the director of veterans services as being sufficient to meet those requirements, from the budget stabilization fund established in section 131.43 of the Revised Code to the Persian gulf, Afghanistan, and Iraq conflicts compensation fund. The total amount to be transferred from the budget stabilization fund to the Persian gulf, Afghanistan, and Iraq conflicts compensation fund, including any amounts authorized in uncodified law, shall not be more than two hundred million dollars.

SECTION 2. That existing section 5902.02 of the Revised Code is hereby repealed.

SECTION 3. All items in this section are hereby appropriated as designated out of any moneys in the state treasury to the credit of the Persian Gulf, Afghanistan, and Iraq Conflicts Compensation Fund for fiscal year 2009. The appropriation made in this act is in addition to any other appropriations made for the FY 2008-2009 biennium.

Appropriations

DVS DEPARTMENT OF VETERANS SERVICES

Persian Gulf, Afghanistan, and Iraq Conflicts Compensation Fund

5FS0	900605	Persian Gulf, Afghanistan, and Iraq Conflicts Compensation	\$	150,000,000
TOTAL 5FS0 Persian Gulf, Afghanistan, and Iraq Conflicts Compensation Fund			\$	150,000,000
TOTAL ALL BUDGET FUND GROUPS			\$	150,000,000
<b>PERSIAN GULF, AFGHANISTAN, AND IRAQ CONFLICTS COMPENSATION</b>				

Within 15 days after the effective date of this section, the Director of Budget and Management shall transfer \$150,000,000 in fiscal year 2009 from the Budget Stabilization Fund (Fund 7013) to the Persian Gulf, Afghanistan, and Iraq Conflicts Compensation Fund (Fund 5FS0) in the Department of Veterans Services.

The Director of Veterans Services shall use the foregoing appropriation item 900605, Persian Gulf, Afghanistan, and Iraq Conflicts Compensation, to carry out section 5902.16 of the Revised Code.

SECTION 4. Within the limits set forth in this act, the Director of Budget and Management shall establish accounts indicating the source and amount

of funds for each appropriation made in this act, and shall determine the form and manner in which appropriation accounts shall be maintained. Expenditures from appropriations contained in this act shall be accounted for as though made in Am. Sub. H.B. 119 of the 127th General Assembly.

The appropriations made in this act are subject to all provisions of Am. Sub. H.B. 119 of the 127th General Assembly that are generally applicable to the appropriations.

SECTION 5. The codified and uncodified sections of law amended and enacted by this act are exempt from the referendum under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code and therefore take effect immediately when this act becomes law.

H. B. No. 649

127th G.A.

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*Speaker \_\_\_\_\_ of the House of Representatives.*

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*President \_\_\_\_\_ of the Senate.*

Passed \_\_\_\_\_, 20\_\_\_\_

Approved \_\_\_\_\_, 20\_\_\_\_

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*Governor.*

H. B. No. 649

127th G.A.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

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*Director, Legislative Service Commission.*

Filed in the office of the Secretary of State at Columbus, Ohio, on the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 20\_\_\_\_.

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*Secretary of State.*

File No. \_\_\_\_\_ Effective Date \_\_\_\_\_