



## **S.B. 182**

126th General Assembly  
(As Passed by the Senate)

**Sens. Fingerhut, Harris, Cates, Grendell, Schuring, Mumper, Armbruster, Brady, Fedor, Niehaus, Zurz, Miller, Jordan, Schuler, Gardner, Dann, Mallory**

---

### **BILL SUMMARY**

- Authorizes a county veterans service commission to waive the residency requirement for financial assistance under certain circumstances.
- Declares an emergency.

---

### **CONTENT AND OPERATION**

Under current law, each applicant for financial assistance under the County Veterans Service Commissions Law must be a veteran (see **COMMENT 1**), an active-duty member of the United States Armed Forces, or the spouse, dependent parent, minor child, or ward of a veteran or such an active-duty member. In addition, the applicant has to have been a bona fide resident for at least three months of the county in which application is being made to a veterans service commission. (R.C. 5901.08.)

The bill authorizes a county veterans service commission to waive the three-month residency requirement for applicants who are residing in the commission's county as a result of relocation caused by a natural disaster or another type of a major disaster in this nation that the President of the United States has declared as having created an emergency situation (R.C. 5901.08(B)).

---

### **COMMENT**

1. The County Veterans Service Commissions (CVSC) Law is contained in Chapter 5901. of the Revised Code. For purposes of the CVSC Law, a "veteran" *generally* means a former member of the United States Armed Forces who served on active military duty and received an honorable discharge or honorable separation, a member of our Armed Forces who died on active military duty, or a

member of our Armed Forces who is missing in action more than 90 days (R.C. 5901.01(A)--not in the bill). But, for purposes of the **statute amended** by the bill and other statutes pertaining to applications for financial assistance under the CVSC Law, a "veteran" means a person who served in the United States Armed Forces on active duty, who was discharged from the service under honorable conditions, and who either (a) served on active duty for reasons other than training or (b) incurred a disability recognized as service-connected by the U.S. Department of Veterans Affairs or Department of Defense while serving on active duty for training (R.C. 5901.01(B)--not in the bill).

2. The statutes referenced in the CVSC Law in relation to financial assistance applications handled by county veterans service commissions generally are R.C. 5901.02 to 5901.15. Those sections contain few details as to the types of financial assistance applications the commissions actually handle, but they do refer generally to *allowances* and *emergency assistance*. Specifically, they contain provisions:

- Requiring a county veterans service commission to establish policies and procedures for the administration of assistance provided under the CVSC Law (R.C. 5901.03(C)--not in the bill);
- Requiring an applicant to provide a commission, on a form that the commission provides and that the applicant subscribes, with a *statement* concerning his or her household income and the amount of real and personal taxable property, stocks, bonds, moneys on hand loaned or deposited in any bank or elsewhere, shares in savings and loan associations, mortgages, notes, or other articles of value from which the applicant derives income or revenue (R.C. 5901.09(A)--not in the bill);
- Requiring a county veterans service commission, before preparing and submitting its budget to the board of county commissioners, to meet and determine in an itemized manner the probable amount necessary for aid and financial assistance to entitled individuals (R.C. 5901.11--not in the bill);
- Requiring a county auditor, if an individual is certified for an *allowance* by the county veterans service commission, to issue to the individual a warrant for the allowance awarded. These allowances may be increased, decreased, or discontinued by a commission. (R.C. 5901.14--not in the bill.)
- Requiring a county veterans service commission to adopt and implement rules granting *financial or other immediate assistance*

(i.e., emergency assistance) to individuals entitled to assistance under R.C. 5901.02 to 5901.14 and to certain other persons until the "benefits or pay and allowance to which . . . [they] are entitled from the Armed Forces are available." The other persons are any Ohio National Guard, Ohio Military Reserve, or Ohio Naval Militia member or any member of a reserve component of the United States Armed Forces serving on active military duty because of an executive order of the President of the United States or an act of Congress as well as the spouse or dependent of any such member (R.C. 5901.15--not in the bill).

3. The CVSC Law and the Open Meetings Law contain provisions pertaining to (a) the general confidentiality and non-public record status of applications for financial assistance, the statement mentioned in **COMMENT 2** above, and certain associated documents as well as (b) the confidentiality and executive session nature of interviews, discussions, and reviews relating to applications for financial assistance (R.C. 121.22(J) and 5901.09(B), (C), and (E)).

4. Although the Governor's Office of Veterans Affairs must adopt certain policy and procedural guidelines that county veterans service commissions must adhere to in developing and implementing their rules, policies, and procedures under the CVSC Law, the Office cannot adopt guidelines or rules regulating the purposes, scope, duration, or amounts of financial assistance provided to applicants under R.C. 5901.02 to 5901.15 as discussed above (R.C. 5902.02(L)).

---

## HISTORY

| ACTION   | DATE     | JOURNAL ENTRY |
|--|----------|---------------|
| Introduced   | 09-13-05 | p. 1433       |
| Reported, S. State & Local<br>Gov't & Veterans Affairs | 09-19-05 | p. 1444       |
| Passed Senate (28-0)                                   | 10-05-05 | pp. 1478-1479 |

s0182-ps-126.doc/kl