



Amber Hardesty

Bill Analysis

Legislative Service Commission

S.B. 289

127th General Assembly
(As Introduced)

**Sens. Spada, Harris, Stivers, Grendell, Schuler, Schuring, Seitz, Padgett,
Fedor, Niehaus, Austria, Mumper**

BILL SUMMARY

- Creates the Department of Veterans Affairs and the Director of Veterans Affairs.
- Transfers the duties of the Governor's Office of Veterans Affairs and the Director of the Governor's Office of Veterans Affairs to the Department and its Director.
- Creates additional functions for the Department and the Director relating to various veterans' issues and to county veterans service commissions.
- Requires a state agency or instrumentality, an agency or instrumentality of a political subdivision, or a private entity to report a person's veteran status to the Director when the agency, instrumentality, or entity finds out this information.

CONTENT AND OPERATION

Department of Veterans Affairs

The bill creates the Department of Veterans Affairs and the Director of Veterans Affairs (R.C. 121.02). The Governor appoints the Director with the advice and consent of the Senate. The Director serves at the Governor's pleasure, for a term coinciding with the appointing Governor's term. (R.C. 121.03.)

Generally, the bill transfers the duties of the Governor's Office of Veterans Affairs and the Director of the Governor's Office of Veterans Affairs to the Department and its Director. The Department must employ necessary administrative and technical personnel, who must be honorably discharged or honorably separated veterans of the United States armed forces. Each clerical

staff person must be an honorably discharged or honorably separated veteran or, if a qualified veteran is not available, the spouse, surviving spouse, child, or parent of an honorably discharged or honorably separated veteran. All these employees are in the classified civil service. (R.C. 5502.01.)

Transfer of responsibility for veterans affairs to the new Department

The bill abolishes the Governor's Office of Veterans Affairs and transfers its functions, assets and liabilities, obligations, and authority to the Department of Veterans Affairs. The Department is successor to, and assumes the obligations and authority of, and otherwise continues, the Office. A right, privilege, or remedy, or a duty, liability, or obligation, that accrued under the Office is neither impaired nor lost by reason of the transfer and is to be recognized, administered, performed, or enforced by the Department.

Any business that was commenced but not completed by the Office or its Director is to be completed by the Department or its Director in the same manner, and with the same effect, as if completed by the Office or its Director. A pending action or proceeding that is being prosecuted or defended in court or before an administrative agency by the Office or its Director is not affected by the transfer and is to be prosecuted or defended by the Department or its Director. Upon application to the court or agency, the Department or its Director is to be substituted as a party.

All the rules, orders, and determinations of the Office continue in effect as rules, orders, and determinations of the Department, until they are modified or rescinded by the Department. If necessary to ensure the integrity of the numbering of the Administrative Code, the Director of the Legislative Service Commission must renumber the rules of the Office to reflect their transfer to the Department.

Subject to the layoff provisions of the Civil Service Act, all employees of the Office are transferred to the Department and retain their positions and all benefits.

The Director of Budget and Management must determine the amount of unexpended balances in the appropriation accounts that pertain to the Office and recommend to the Controlling Board their transfer to appropriation accounts that pertain to the Department. The Director of the Office is to provide full and timely information to the Controlling Board as necessary to facilitate the transfer.

Whenever the Office or its Director is referred to in a statute, contract, or other instrument, the reference is to be read as referring instead to the Department or its Director as is appropriate in context. (Section 4.)

Transfer of existing functions

The existing functions transferred from the Governor's Office of Veterans Affairs and its Director to the Department of Veterans Affairs and its Director are:

(1) Implementing the high school diploma program for certain veterans of World War II, the Korean conflict, or the Vietnam conflict and for certain women who left high school during World War II, the Korean conflict, or the Vietnam conflict (R.C. 3313.616).

(2) Upon application, assisting the general public in obtaining records of vital statistics pertaining to veterans or their dependents (R.C. 5902.02(B)).

(3) Developing and monitoring programs and agreements to enable state agencies, individually or jointly, that provide veterans services, including the veterans' homes and the Director of Job and Family Services, to address homelessness, indigency, employment, and other veteran-related issues (R.C. 5902.02(G)).

(4) 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 must state the organization veterans service commissioners' represent and the date their terms of office expire; the names, addresses, and telephone numbers of county veterans service officers and of the state directors of veterans affairs; and the addresses and telephone numbers of the Ohio offices and of the headquarters of state and national veterans service organizations. (R.C. 5902.02(I).)

(5) Publishing, by April 1 of each odd-numbered year, a directory of Ohio laws regarding 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 Ohio (R.C. 5902.02(J)).

(6) Establishing a Veterans Advisory Committee to advise and assist the Department in its duties. Members include a state representative of congressionally chartered veterans organizations; a representative of any other congressionally chartered state veterans organization that has at least one veterans service commissioner in Ohio; three representatives of the Ohio State Association of County Veterans Service Commissioners, who have a combined vote of one; three representatives of the State Association of County Veterans Service Officers, who have a combined vote of one; one representative of the County

Commissioners Association of Ohio, who must be a county commissioner from a different county than any of the other county representatives; and a representative of the Office of the Attorney General. The bill adds a representative of the Governor's Women Veterans Advisory Committee to the membership of the Veterans Advisory Committee. The Department must submit to the Advisory Committee proposed rules for the Committee's operation. The Committee may review and revise the proposed rules prior to submitting them to the Joint Committee on Agency Rule Review. (R.C. 5902.02(K).)

(7) Microfilming or otherwise duplicating all or any part of copies of original certificates of discharge and separation submitted by Ohio veterans in conjunction with their applications for Ohio war bonuses. The Director is authorized to prepare and maintain files of the microfilmed certificates in such a manner that they may readily be available for use by the Department, authorized veterans service officers of the congressionally chartered veterans organizations, and county veterans service officers in support of applications for compensation, pensions, medical or domiciliary care, or other state and federal benefits provided for eligible veterans or their dependents or survivors. The Director is authorized to make copies of the microfilmed certificates to assure their preservation, and to supply copies to qualified veterans or their dependents or survivors or to interested and authorized veterans organizations to aid these organizations in their aid and assistance programs for veterans. (R.C. 5902.03.)

(8) Upon application, furnishing necessary instructions and advice to Ohio veterans, their heirs, or their legal representatives, respecting their claims against the United States or Ohio for pensions, bounties, bonuses, back pay, or otherwise, by reason of military service (R.C. 5902.04(A)).

(9) Visiting each veterans' home and the National Military Home at Dayton at least once every three months, and other veterans facilities as necessary. At the discretion of the Governor, the Director or the Director's representative must visit the several governmental departments at Washington, D.C., or elsewhere, as may be necessary. (R.C. 5902.05.)

(10) Keeping a register showing the situation and disposition of any claim filed by the Department (R.C. 5902.06).

(11) Administering oaths (R.C. 5902.07).

(12) If National Guard or Reserve forces in Ohio are to be called to active duty, convening a Military Activation Task Force to determine whether federal, state, and county agencies have prepared proper support mechanisms for the military activation. The Task Force is to prepare and publish a report that states whether those mechanisms have been prepared, and that describes further actions

that need to be taken to support the military activation. The Department is to provide the Task Force with necessary personnel, supplies, and services. (R.C. 5902.15.)

(14) Serving as the Ohio Veterans Hall of Fame's administrative agent. The Director is as an ex officio member of Ohio Veterans Hall of Fame executive committee, and the Department must appoint one member to the committee. The Director is not eligible for induction into the Veterans Hall of Fame until two years after the Director has left that position unless the Director is over 70 years of age and the executive committee waives the two-year waiting requirement. (R.C. 5904.01.)

(15) Overseeing the Ohio Veterans' Home Agency that maintains and operates veterans' and nursing homes for honorably discharged veterans (R.C. 5907.01).

New functions

The bill creates the following new functions for the Department and its Director:

(1) 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 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. (R.C. 5902.02(N).)

(2) 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 and of veterans service commissions, and obtain information about the rights of, and the benefits and services available to, veterans and their dependents (R.C. 5902.02(O)).

(3) Advertising, in print, on radio and television, and otherwise, the rights of, and the benefits and services available to, veterans and their dependents (R.C. 5902.02(P)).

(4) Developing and advocating improved benefits and services for, and improved delivery of benefits and services to, veterans and their dependents (R.C. 5902.02(Q)).

(5) 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 to unify funding, delivery, and accounting of statutory and administrative policy expressions that relate particularly to veterans and their dependents (R.C. 5902.02(R)).

(6) Developing and maintaining a cordial 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 (R.C. 5902.02(V)).

(7) Developing and maintaining cordial 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 (R.C. 5902.02(W)).

The bill makes the Ohio Veterans' Home Agency part of the Department, and adds the Director or the Director's designee to the board of trustees of the Agency. (The Board governs the Agency and has charge and custody of the Agency's facilities.) Because of this addition, five members of the Board constitute a quorum (instead of four) and any four (instead of three) can approve the payment of current expenses, salaries, and open contracts previously entered into by the Board. (R.C. 5907.01 and 5907.02.)

The bill also makes the Ohio War Orphans Scholarship Board part of the Department, and adds the Director or the Director's designee as a Board member. The Board currently determines the number of scholarships to be made available, receives scholarship applications, passes upon the eligibility of applicants, and decides which applicants are to receive scholarships. (R.C. 5910.02.)

Director of Veterans Affairs not to accept fees or rewards

The Director of Veterans Affairs is prohibited from receiving, directly or indirectly, a fee or reward of any kind from a claimant or other person for services the Director renders or is to render relating to any of the duties imposed under the Department of Veterans Affairs chapter or in any manner connected with those duties (R.C. 5902.08).

Chapter name

The Revised Code chapter concerning veterans is named "Veterans Affairs" by the bill (Section 3).

Department of Veterans Affairs duties related to veterans service commissions

The bill transfers and creates functions for the Department and its Director that are specifically related to county veterans service commissions (R.C. 5901.02, 5901.021, 5901.07, and 5901.09).

Transfer of existing functions

Existing functions relating to county veterans service commissions that are transferred are:

(1) Furnishing the veterans service commissions of all counties copies of the Ohio laws, rules, and legislation relating to the operation of the commissions and their offices (R.C. 5902.02(A)).

(2) Adopting rules under the Administrative Procedure Act pertaining to minimum qualifications for hiring, certifying, and accrediting county veterans service officers and pertaining to their required duties (R.C. 5902.02(C)).

(3) Adopting rules under the Administrative Procedure Act for the education, training, certification, and duties of veterans service commissioners (R.C. 5902.02(D)).

(4) Developing and monitoring programs and agreements enhancing employment and training for veterans in single or multiple county areas (R.C. 5902.02(E)).

(5) Developing and monitoring programs and agreements to enable county veterans service commissions to address homelessness, indigency, and other veteran-related issues, individually or jointly (R.C. 5902.02(F)).

(6) Establishing and providing statistical reporting formats and procedures for county veterans service commissions (R.C. 5902.02(H)).

(7) Adopting, with the advice and assistance of the Veterans Advisory Committee, policy and procedural guidelines that veterans service commissions must adhere to in the development and implementation of rules, policies, procedures, and guidelines. The Department may not adopt guidelines or rules regulating the purposes, scope, duration, or amounts of financial assistance provided to applicants by veterans service commissions. The Director is authorized to obtain opinions from the Attorney General regarding rules, policies, procedures, and guidelines of the veterans service commissions, and is authorized to enforce a commission's compliance with the veterans service commission law. (R.C. 5902.02(L).)

(8) Receiving copies of form DD214 from members of veterans service commissions and from county veterans service officers (R.C. 5902.02(M)).

(9) Examining the files of any veterans service commission that pertain to applicants for, or to recipients or former recipients of, assistance or benefits to determine the custody, use, or confidentiality of any documents in those files. The information or documents obtained are public records of the Department. The Director can disclose information or documents that personally identify an applicant, recipient, or former recipient if necessary to enforce compliance with veterans services laws and for the purposes and under the circumstances authorized by a signed consent-to-release form. In all other cases, the Director must maintain the confidentiality of information or documents that personally identify an applicant, recipient, or former recipient. (R.C. 5902.04(B) and (C).)

(10) Prescribing a manner by which veterans service commissions may compile certain statistical data and a form on which a veteran may consent to the release by a veterans service commission of any information in an application for financial assistance, statement, or other document.

New functions

The bill creates the following new functions for the Department and its Director regarding veterans service commissions:

(1) 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 (R.C. 5902.02(S)).

(2) Publishing and encouraging adoption of successful innovations and efficiencies veterans service commissions have achieved in delivering benefits and services to veterans and their dependents (R.C. 5902.02(T)).

If the Director, upon complaint or the Director's own initiative, finds that a veterans service commission is not properly discharging its duties and responsibilities to veterans and their dependents, the Director may take charge of and temporarily direct the commission. In this event, the commission must prepare a corrective action plan and submit the plan to the Director. If the plan is not acceptable, the Director must advise the commission how the plan might be made acceptable. When an acceptable corrective action plan has been agreed to, the commission must implement the corrective actions. The Director must relinquish direction of the commission when the commission is again properly discharging its duties and responsibilities to veterans and their dependents. (R.C. 5902.02(U) and 5902.021.)

Reports concerning veterans

(R.C. 5902.09)

The bill requires the person in charge of a state agency or instrumentality, an agency or instrumentality of a political subdivision, or a private entity, such as a nursing home, that provides law enforcement, health, or welfare services to individuals, other than the Ohio Veterans' Home, to ask an individual with whom the agency, instrumentality, or entity interacts if the individual is a veteran or is or was the dependent of a veteran. If the individual claims to be such an individual, the person in charge must report the individual's name, address, telephone number, and e-mail address; the agency's, instrumentality's, or entity's name, address, telephone number, and e-mail address; the nature of the agency's, instrumentality's, or entity's interaction with the individual; and the date on which the interaction occurred to the Director. The Director must inform the veterans service commission having jurisdiction about the veteran or dependent and the interaction. The commission must inquire about, and offer benefits and services appropriate to, the veteran or dependent.

HISTORY

ACTION	DATE
Introduced	02-05-08

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