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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

S.B. 213  
133<sup>rd</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsor:** Sen. Brenner

S. Ben Fogle, Attorney

### SUMMARY

#### Veterans service commissions

- Increases from five to nine the number of members to be appointed to a county veterans service commission.
- Reduces from five to three the number of years of a term of office, provided that the five currently serving members complete the five-year term to which they were appointed.
- Specifies the manner of appointing those members by a judge of the court of common pleas.
- Requires the judge to appoint an additional four members to those five already specified in current law and currently serving, one of which should be a female if one is available and willing.
- Requires meetings of a veterans service commission to comply with the Open Meetings Law and to follow a manual of parliamentary procedure.
- Provides that the board of county commissioners shall oversee the administration and operation of the veterans service commission.
- Requires that the regularly scheduled transportation to and from veterans administration medical centers within the county, currently required, be available not less than five days each calendar week.
- Requires that the county veterans service commission office be open to the public Monday through Saturday until at least 5:00 p.m. each of those days.

## Veterans service committee

- Requires, instead of authorizes, each veterans service commission to create a veterans service committee for the commission consisting of six (instead of the current three) residents of the county.
- Provides that the veterans service commission and the board of county commissioners must each appoint three members to the veterans service commission committee.
- Requires that appointments to the committee must be made before January 15 of each year for terms that expire at the end of December 31 of that calendar year.
- Allows persons to be reappointed to the committee.
- Requires that meetings of the veterans service committee comply with the Open Meetings Law and follow a manual of parliamentary procedure.

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## DETAILED ANALYSIS

### Veterans service commissions

#### Background

Each county has a veterans service commission (VSC) that provides financial assistance and other aid to veterans and their families. To carry out its duties, a VSC is authorized, among other things, to operate and staff a veterans service office and to establish outreach programs and coordinate with other agencies to enhance the availability of services to veterans within the county. VSCs accept applications for financial assistance and determine whether to award an allowance to veterans and their dependents. Financial aid may include emergency assistance, financial or otherwise, including mortgage payments or payments to a grocer for food.

A VSC is funded through a tax levy made by the board of county commissioners. The VSC prepares and submits an itemized budget to the board of county commissioners after determining its needs and the amount necessary for the aid and financial assistance of eligible persons. Although a board of county commissioners may review a VSC budget, it has no authority to revise a lawful budget request; it must provide the necessary funding as long as it complies with the statutory limitation that it be within five-tenths of a mill per dollar on the assessed value of property of the county, and otherwise complies with applicable law.<sup>1</sup>

#### VSC changes

The bill changes the makeup of a VSC in terms of number of members to be appointed; it also imposes operational requirements on the hours and operation of the VSC offices, and

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<sup>1</sup> R.C. 5901.11, not in the bill. See also, *Lynch v. Gallia County Bd. of Comm'rs*, 79 Ohio St.3d 251 (1997) (holding that R.C. 5901.11 imposes a mandatory duty upon a board of county commissioners to fund a lawful budget request of a VSC); 2008 Op. Att'y.Gen.Ops. No. 2008-033.

expands the obligation of VSCs to provide transportation for veterans to and from Veterans Administration (V.A.) medical centers in the county.

The bill increases from five to nine the number of county residents to be appointed to a VSC and reduces from five to three the number of years of a commission member's term of office. As under current law, a judge of the court of common pleas continues to appoint the existing five members, but for three-year terms instead of five. In addition, the judge must appoint four new veteran members, at least one of whom must be a qualified female, if one is available and willing. Initial appointments of the four new members must be made within 60 days after the bill's effective date and must be staggered as follows: two persons to one-year terms, one person to a two-year term, and one to a three-year term. The existing five members finish their five-year terms.

The bill mandates that VSC meetings comply with the Open Meetings Law<sup>2</sup> and follow a recognized manual of parliamentary procedure such as Robert's Rules of Order. The bill also requires that the board of county commissioners oversee the administration and operation of the veterans service commission.<sup>3</sup> The bill qualifies the existing duty of a VSC to establish regularly scheduled transportation for veterans to and from V.A. medical centers in the county by specifying that the scheduled transportation must be available not less than five days each calendar week.<sup>4</sup>

### **VSC office hours**

Under the bill, the office in each county that is used by the county VSC officers is required to be open to the public every Monday through Saturday, except for legal holidays, and must not close before 5:00 p.m. on those days.<sup>5</sup>

### **VSC committee changes**

Under current law, a VSC is authorized to create a three-person committee, consisting of county residents who are veterans, whose duties must be set forth by the VSC. The bill, instead of merely authorizing these committees, requires that each VSC create a committee of six resident veterans for the VSC. The VSC must appoint three and the board of county commissioners must appoint three. Within 60 days after the bill's effective date, a board of county commissioners must make initial appointments to a committee that is in existence in a

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<sup>2</sup> R.C. 121.22, not in the bill.

<sup>3</sup> Under current law, a board has no authority to revise a lawful budget submitted by a VSC; rather, it can only review budgets to determine whether they comply with applicable law. The amount may only be reduced so far as the request for that amount is legally deficient – for example, if the VSC did not supply necessary documentation. (See Footnote 1.) Under R.C. 5901.03, a VSC may establish policies and procedures for its own administration and programs. Because the bill does not elaborate upon a board's duty to oversee VSCs, it may be up to boards to determine how such oversight is to proceed.

<sup>4</sup> R.C. 5901.02; Section 3 of the bill.

<sup>5</sup> R.C. 5901.10.

county on that day. If a particular county does not have a committee in existence, the VSC and board of county commissioners must make the initial appointments, three each, for terms that expire on December 31 of the calendar year in which the appointments are made. Persons may be reappointed to the committee.

Except for the initial appointments, normal appointments must be made on or before January 15 for a term that expires at the end of the day on December 31 of that calendar year.

The bill requires that VSC committee meetings comply with the Open Meetings Law and follow a recognized manual of parliamentary procedure such as Robert's Rules of Order.<sup>6</sup>

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## HISTORY

Action	Date
Introduced	10-07-19

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<sup>6</sup> R.C. 5901.05; Section 4 of the bill.