

December 1, 2023

Honorable Mike Loychik, Chair  
House Armed Services &  
Veterans Affairs Committee  
Ohio House of Representatives

Honorable Steve Demetriou, Vice Chair  
House Armed Services &  
Veterans Affairs Committee  
Ohio House of Representatives

Honorable Adam Miller, Ranking Member  
House Armed Services &  
Veterans Affairs Committee  
Ohio House of Representatives

RE: **Testimony in Opposition to House Bill 69**

Chair Loychik, Vice Chair Demtrious, Ranking Member Miller and Committee Members, thank you for allowing me to present this testimony in opposition to House Bill 69, in its original form and if amended. My name is Jonathan R. Warmeling and I am honorably discharged veteran of the United States Marine Corps. I served with Multinational Peacekeeping Forces in Beirut, Lebanon, and the Non-Commissioned Officer in Charge of the Combat Engineer Element prepared to retake the Achille Lauro cruise liner after its hijacking in 1985. I have served as the Executive Director and Senior Service Officer in Charge of the Lake County, Ohio, Veterans Service Commission.

“Never Again. Never Again Shall One Generation of Veterans be Abandoned by Another.” This is the motto of the Vietnam Veterans of America. I would respectfully suggest that because of the veterans of that era, stretching from the United States’ financial support beginning in 1955 and generally held to have ended in 1975, our Nation’s veterans started receiving significant additional benefits they earned by their suffering, and through their service. Yet it is this group that would suffer most from this proposed legislation, even after amendment.

I would like thank you all for your service. Wherever and whenever you served, our Nation felt it was important to have you doing what you were doing and where you were doing it, period. We are a free Nation because of your service and the service of so many others, to include those honorable veterans that provided proponent testimony to this bill. I would also like to say a special thank you and hello to one of my Representatives, Dan Troy, from Lake County.

House Bill 69, even as amended, still places one group of veterans over another. The amendment removes some of the previously contested language, but still prevents one group of veterans from nominating a representative of their choice to Veteran Service Commissions, and that is wrong.

There have been statements made in proponent testimony that individual era veterans were once appointed to Veteran Service Commissions. Specifically named were World War I and World War II veterans. The term “conflict-specific” was used in multiple testimonies. In point of fact, however, the verbiage was a veteran of World War I who is also a member of the Veterans of Foreign Wars of the United States. An organization specific requirement that preserved a seat

for those wise yet older veterans. Unfortunately, by 1987 – 1988, attrition caused the World War I and member of the VFW to be removed and replaced in the Revised Code.

There was also language in the 1940's that stated one seat would be for an American Veterans of World War II. That was an organization founded in 1944. In 1947 it was re-chartered as AMVETS. Today, AMVETS membership is open to any honorably discharged veteran who served after 1975, to include post-9/11 veterans. Ohio recognized American Veterans of World War II and AMVETS back then and in subsequent revisions to Ohio's laws.

In 1951, General Code Title 10, Chapter 10, Section 2930, in pertinent part, was revised to state "... and an honorably separated veteran of world war II." But reading that alone could cause some confusion, and it was during a period of change. That Section's revision actually concluded with, "[p]rovided, however, that upon the expiration of the term of the honorably discharged veteran of world war II, wherever possible, the fifth member of such commission to be appointed shall be a member of the American Veterans of world war II, AMVETS." Once again attempting to ensure AMVETS had a member.

And it was modified again in 1953 to ensure a World War II veteran was nominated, provided, however, that veteran was also a member of AMVETS. In 1953 the General Codes of Ohio were modified and revised, and the pertinent part from the 1953 Ohio Revised Code, Section 5901.02, read, "...and one person shall be an honorably discharged or honorably separated veteran of World War II and a member of the American Veterans of Work War II known as "AMVETS"."

Once again, Ohio preserved a seat for those wise yet older veterans of AMVETS.

A few final thoughts on budgets and programs. First, it is impossible to establish a budget for an unknown variable, such as financial assistance through a Veterans Service Commission's Soldiers' & Sailors' Relief Account. If a County budgets a million dollars for relief, but only expends \$800,000.00 by close to the end of the year, shall it merely pass out money to veterans until it is gone? Of course not. Those funds not used for emergency financial assistance are naturally returned to the County Commissioners. And yes, large counties with large available millage may have large amounts to return. It is the natural flow of the duties of Veterans Service Commissions. The law does not say take all of the citizens' tax money available; it says it shall budget "...the probable amount necessary for the aid and financial assistance..., and for the operations of the veterans service office..." Ohio Revised Code Section 5901.11.

As the Ohio Supreme stated in *Lynch v. Gallia Cty. Bd. of Commrs.*, 79 Ohio St. 3d 251, 680 N.E.2d 1222 (Ohio 1997), "...veterans service commissions enjoy a unique history and status. They are vested with a special public trust..." While properly mandated to care for those who have borne the battle, and their widows and orphans, as stated by President Abraham Lincoln at his Second Inaugural Address, they are also charged with the fiduciary duty to appropriate the citizens' tax monies within the bounds of the law. Sometimes, if not often, this means once those in need have been properly cared for, the remaining funds are returned to the County. This is the way the Ohio Legislature wrote the law, and how it was designed to operate; all without politics being involved, and as found appropriate via *Lynch v. Gallia County..* This brings up the second final point.

There is nothing stopping anybody from offering, suggesting or presenting additional programs or ideas to a Veterans Service Commission. Any program can be reviewed by a Veterans Service Commission, and provided it meets legal muster, could be considered. Not sitting at the table does not mean one can't present ideas to those that are. Veterans Service Commissioners meet with their counterparts a few times annually. One focal point of those meetings is the roundtable discussions on best practices. Veterans Service Commissions' staffs (the majority of whom are post-9/11 veterans) do the same. I'm sure if there are ideas on providing additional or better services to our veterans, which have not been presented within HB 69, or by any testimony, to my knowledge, Veterans Service Commissioners from all eras, and their staffs, would love to hear about them. This avenue is available to all now, and nothing presented in HB 69 offers more.

All of this, together with all other opponent testimony, shows HB 69, whether in its original form or after amendment, is unnecessary.

Never before has Ohio placed a requirement on a veteran organization to nominate a person that was not a member of that organization: It should not start now.

Please reject House Bill 69. Thank you.

*JRWarmeling* //es//

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Jonathan R. Warmeling