

As Introduced

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Representatives Dovilla, Wachtmann

**Cosponsors: Representatives Mecklenborg, Gardner, Buchy, Grossman,
Brenner, Gonzales, Goodwin, Derickson, Fende, Blair, Hackett, Maag, Lundy,
Stebelton, Letson, Sprague, Reece**

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A B I L L

To amend sections 5910.02 and 5919.34 and to enact 1
section 5910.07 of the Revised Code to authorize 2
the administrators of the Ohio National Guard 3
Scholarship Program and the Ohio War Orphans 4
Scholarship Program to apply for, and receive and 5
accept, grants, and to receive and accept gifts, 6
bequests, and contributions, from public and 7
private sources. 8

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 5910.02 and 5919.34 be amended and 9
section 5910.07 of the Revised Code be enacted to read as follows: 10

Sec. 5910.02. There is hereby created an Ohio war orphans 11
scholarship board as part of the department of veterans services. 12
The board consists of eight members as follows: the chancellor of 13
the Ohio board of regents or the chancellor's designee; the 14
director of veterans services or the director's designee; one 15
member of the house of representatives, appointed by the speaker; 16
one member of the senate, appointed by the president of the 17

senate; and four members appointed by the governor, one of whom 18
shall be a representative of the American Legion, one of whom 19
shall be a representative of the Veterans of Foreign Wars, one of 20
whom shall be a representative of the Disabled American Veterans, 21
and one of whom shall be a representative of the AMVETS. At least 22
ninety days prior to the expiration of the term of office of the 23
representative of a veterans organization appointed by the 24
governor, the governor shall notify the state headquarters of the 25
affected organization of the need for an appointment and request 26
the organization to make at least three nominations. Within sixty 27
days after making the request for nominations, the governor may 28
make the appointment from the nominations received, or may reject 29
all the nominations and request at least three new nominations, 30
from which the governor shall make an appointment within thirty 31
days after making the request for the new nominations. If the 32
governor receives no nominations during this thirty-day period, 33
the governor may appoint any veteran. 34

Terms of office for the four members appointed by the 35
governor shall be for four years, commencing on the first day of 36
January and ending on the thirty-first day of December, except 37
that the term of the AMVETS representative shall expire December 38
31, 1998, and the new term that succeeds it shall commence on 39
January 1, 1999, and end on December 31, 2002. Each member shall 40
hold office from the date of the member's appointment until the 41
end of the term for which the member was appointed. The other 42
members shall serve during their terms of office. Any vacancy 43
shall be filled by appointment in the same manner as by original 44
appointment. Any member appointed to fill a vacancy occurring 45
prior to the expiration of the term for which the member's 46
predecessor was appointed shall hold office for the remainder of 47
such term. Any appointed member shall continue in office 48
subsequent to the expiration date of the member's term until the 49
member's successor takes office, or until a period of sixty days 50

has elapsed, whichever occurs first. The members of the board 51
shall serve without pay but shall be reimbursed for travel 52
expenses and for other actual and necessary expenses incurred in 53
the performance of their duties, not to exceed ten dollars per day 54
for ten days in any one year to be appropriated out of any moneys 55
in the state treasury to the credit of the general revenue fund. 56

The chancellor of the board of regents shall act as secretary 57
to the board and shall furnish such clerical and other assistance 58
as may be necessary to the performance of the duties of the board. 59

The board shall determine the number of scholarships to be 60
made available, receive applications for scholarships, pass upon 61
the eligibility of applicants, decide which applicants are to 62
receive scholarships, and do all other things necessary for the 63
proper administration of this chapter. 64

The board may apply for, and may receive and accept, grants, 65
and may receive and accept gifts, bequests, and contributions, 66
from public and private sources, including agencies and 67
instrumentalities of the United States and this state, and shall 68
deposit the grants, gifts, bequests, or contributions into the 69
Ohio war orphans scholarship fund. 70

Sec. 5910.07. The Ohio war orphans scholarship fund is 71
created in the state treasury. The fund shall consist of gifts, 72
bequests, grants, and contributions made to the fund. Investment 73
earnings of the fund shall be deposited into the fund. The fund 74
shall be used to operate the war orphans scholarship program and 75
to provide grants under sections 5910.01 to 5910.06 of the Revised 76
Code. 77

Sec. 5919.34. (A) As used in this section: 78

(1) "Academic term" means any one of the following: 79

(a) Fall term, which consists of fall semester or fall 80

quarter, as appropriate;	81
(b) Winter term, which consists of winter semester, winter quarter, or spring semester, as appropriate;	82 83
(c) Spring term, which consists of spring quarter;	84
(d) Summer term, which consists of summer semester or summer quarter, as appropriate.	85 86
(2) "Eligible applicant" means any individual to whom all of the following apply:	87 88
(a) The individual does not possess a baccalaureate degree.	89
(b) The individual has enlisted, re-enlisted, or extended current enlistment in the Ohio national guard or is an individual to which division (F) of this section applies.	90 91 92
(c) The individual is actively enrolled as a full-time or part-time student for at least three credit hours of course work in a semester or quarter in a two-year or four-year degree-granting program at an institution of higher education or in a diploma-granting program at an institution of higher education that is a school of nursing.	93 94 95 96 97 98
(d) The individual has not accumulated ninety-six eligibility units under division (E) of this section.	99 100
(3) "Institution of higher education" means an Ohio institution of higher education that is state-assisted, that is nonprofit and has received a certificate of authorization pursuant to Chapter 1713. of the Revised Code, that is a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, or that holds a certificate of registration and program authorization issued by the state board of career colleges and schools pursuant to section 3332.05 of the Revised Code.	101 102 103 104 105 106 107 108 109
(4) "State university" has the same meaning as in section	110

3345.011 of the Revised Code. 111

(B) There is hereby created a scholarship program to be known 112
as the Ohio national guard scholarship program. 113

(C) If the adjutant general estimates that appropriations and 114
any funds in the Ohio national guard scholarship reserve fund are 115
insufficient to pay for all scholarships applied for under this 116
section and likely to be used during an academic term, the 117
adjutant general shall promptly inform all applicants not 118
receiving scholarships for that academic term of the next academic 119
term that appropriations will be adequate for the scholarships. 120
Any such eligible applicant may again apply for a scholarship 121
beginning that academic term if the applicant is in compliance 122
with all requirements established by this section and the adjutant 123
general for the program. The adjutant general shall process all 124
applications for scholarships for each academic term in the order 125
in which they are received. The scholarships shall be made without 126
regard to financial need. At no time shall one person be placed in 127
priority over another because of sex, race, or religion. 128

(D)(1) Except as provided in division (I) of this section, 129
for each academic term that an eligible applicant is approved for 130
a scholarship under this section and either remains a current 131
member in good standing of the Ohio national guard or is eligible 132
for a scholarship under division (F)(1) of this section, the 133
institution of higher education in which the applicant is enrolled 134
shall, if the applicant's enlistment obligation extends beyond the 135
end of that academic term or if division (F)(1) of this section 136
applies, be paid on the applicant's behalf the applicable one of 137
the following amounts: 138

(a) If the institution is state-assisted, an amount equal to 139
one hundred per cent of the institution's tuition charges; 140

(b) If the institution is a nonprofit private institution or 141

a private institution exempt from regulation under Chapter 3332. 142
of the Revised Code as prescribed in section 3333.046 of the 143
Revised Code, an amount equal to one hundred per cent of the 144
average tuition charges of all state universities; 145

(c) If the institution is an institution that holds a 146
certificate of registration from the state board of career 147
colleges and schools, the lesser of the following: 148

(i) An amount equal to one hundred per cent of the total 149
instructional and general charges of the institution; 150

(ii) An amount equal to one hundred per cent of the average 151
tuition charges of all state universities. 152

(2) An eligible applicant's scholarship shall not be reduced 153
by the amount of that applicant's benefits under "the Montgomery 154
G.I. Bill Act of 1984," Pub. L. No. 98-525, 98 Stat. 2553 (1984). 155

(3) An eligible non-prior service applicant's scholarship 156
shall be reduced by the amount of the applicant's tuition benefits 157
under "The Post-9/11 Veterans Educational Assistance Act of 2008," 158
110 Pub. L. No. 252, 122 Stat. 2323 (2008). An eligible prior 159
service applicant's scholarship shall be reduced by the amount of 160
the applicant's tuition benefits under "The Post-9/11 Veterans 161
Educational Assistance Act of 2008" unless the applicant qualified 162
for one hundred per cent tuition under that act and transfers the 163
federal benefits under that act's portability provisions. 164

(E) A scholarship recipient under this section shall be 165
entitled to receive scholarships under this section for the number 166
of quarters or semesters it takes the recipient to accumulate 167
ninety-six eligibility units as determined under divisions (E)(1) 168
to (3) of this section. 169

(1) To determine the maximum number of semesters or quarters 170
for which a recipient is entitled to a scholarship under this 171
section, the adjutant general shall convert a recipient's credit 172

hours of enrollment for each academic term into eligibility units				173	
in accordance with the following table:				174	
	The			175	
Number of	following	The following		176	
credit hours	number of	number of		177	
of enrollment	eligibility	eligibility		178	
in an academic	units if a	units if a		179	
term	equals	semester	or	quarter	180
					181
12 or more hours	12 units	8 units			182
9 but less than 12	9 units	6 units			183
6 but less than 9	6 units	4 units			184
(2) A scholarship recipient under this section may continue					185
to apply for scholarships under this section until the recipient					186
has accumulated ninety-six eligibility units.					187
(3) If a scholarship recipient withdraws from courses prior					188
to the end of an academic term so that the recipient's enrollment					189
for that academic term is less than three credit hours, no					190
scholarship shall be paid on behalf of that person for that					191
academic term. Except as provided in division (F)(3) of this					192
section, if a scholarship has already been paid on behalf of the					193
person for that academic term, the adjutant general shall add to					194
that person's accumulated eligibility units the number of					195
eligibility units for which the scholarship was paid.					196
(F) This division applies to any eligible applicant called					197
into active duty on or after September 11, 2001. As used in this					198
division, "active duty" means active duty pursuant to an executive					199
order of the president of the United States, an act of the					200
congress of the United States, or section 5919.29 or 5923.21 of					201
the Revised Code.					202
(1) For a period of up to five years from when an					203
individual's enlistment obligation in the Ohio national guard					204

ends, an individual to whom this division applies is eligible for 205
scholarships under this section for those academic terms that were 206
missed or could have been missed as a result of the individual's 207
call into active duty. Scholarships shall not be paid for the 208
academic term in which an eligible applicant's enlistment 209
obligation ends unless an applicant is eligible under this 210
division for a scholarship for such academic term due to previous 211
active duty. 212

(2) When an individual to whom this division applies 213
withdraws or otherwise fails to complete courses, for which 214
scholarships have been awarded under this section, because the 215
individual was called into active duty, the institution of higher 216
education shall grant the individual a leave of absence from the 217
individual's education program and shall not impose any academic 218
penalty for such withdrawal or failure to complete courses. 219
Division (F)(2) of this section applies regardless of whether or 220
not the scholarship amount was paid to the institution of higher 221
education. 222

(3) If an individual to whom this division applies withdraws 223
or otherwise fails to complete courses because the individual was 224
called into active duty, and if scholarships for those courses 225
have already been paid, either: 226

(a) The adjutant general shall not add to that person's 227
accumulated eligibility units calculated under division (E) of 228
this section the number of eligibility units for the academic 229
courses or term for which the scholarship was paid and the 230
institution of higher education shall repay the scholarship amount 231
to the state. 232

(b) The adjutant general shall add to that individual's 233
accumulated eligibility units calculated under division (E) of 234
this section the number of eligibility units for the academic 235
courses or term for which the scholarship was paid if the 236

institution of higher education agrees to permit the individual to 237
complete the remainder of the academic courses in which the 238
individual was enrolled at the time the individual was called into 239
active duty. 240

(4) No individual who is discharged from the Ohio national 241
guard under other than honorable conditions shall be eligible for 242
scholarships under this division. 243

(G) A scholarship recipient under this section who fails to 244
complete the term of enlistment, re-enlistment, or extension of 245
current enlistment the recipient was serving at the time a 246
scholarship was paid on behalf of the recipient under this section 247
is liable to the state for repayment of a percentage of all Ohio 248
national guard scholarships paid on behalf of the recipient under 249
this section, plus interest at the rate of ten per cent per annum 250
calculated from the dates the scholarships were paid. This 251
percentage shall equal the percentage of the current term of 252
enlistment, re-enlistment, or extension of enlistment a recipient 253
has not completed as of the date the recipient is discharged from 254
the Ohio national guard. 255

The attorney general may commence a civil action on behalf of 256
the adjutant general to recover the amount of the scholarships and 257
the interest provided for in this division and the expenses 258
incurred in prosecuting the action, including court costs and 259
reasonable attorney's fees. A scholarship recipient is not liable 260
under this division if the recipient's failure to complete the 261
term of enlistment being served at the time a scholarship was paid 262
on behalf of the recipient under this section is due to the 263
recipient's death; discharge from the national guard due to 264
disability; or the recipient's enlistment, for a term not less 265
than the recipient's remaining term in the national guard, in the 266
active component of the United States armed forces or the active 267
reserve component of the United States armed forces. 268

(H) On or before the first day of each academic term, the 269
adjutant general shall provide an eligibility roster to each 270
institution of higher education at which one or more scholarship 271
recipients have applied for enrollment. The institution shall use 272
the roster to certify the actual full-time or part-time enrollment 273
of each scholarship recipient listed as enrolled at the 274
institution and return the roster to the adjutant general. The 275
adjutant general shall report to the chancellor of the Ohio board 276
of regents the number of students in the Ohio national guard 277
scholarship program at each institution of higher education. The 278
chancellor shall provide for payment of the appropriate number and 279
amount of scholarships to each institution of higher education 280
pursuant to division (D) of this section. If an institution of 281
higher education fails to certify the actual enrollment of a 282
scholarship recipient listed as enrolled at the institution within 283
thirty days of the end of an academic term, the institution shall 284
not be eligible to receive payment from the Ohio national guard 285
scholarship program or from the individual enrollee. The adjutant 286
general shall report on a quarterly basis to the director of 287
budget and management, the speaker of the house of 288
representatives, and the president of the senate the number of 289
Ohio national guard scholarship recipients and a projection of the 290
cost of the program for the remainder of the biennium. 291

(I) The chancellor and the adjutant general may adopt rules 292
pursuant to Chapter 119. of the Revised Code governing the 293
administration and fiscal management of the Ohio national guard 294
scholarship program and the procedure by which the chancellor and 295
the department of the adjutant general may modify the amount of 296
scholarships a member receives based on the amount of other state 297
financial aid a member receives. 298

(J) Notwithstanding division (A) of section 127.14 of the 299
Revised Code, the controlling board shall not transfer all or part 300

of any appropriation for the Ohio national guard scholarship 301
program. 302

(K) The chancellor and the adjutant general may apply for, 303
and may receive and accept grants, and may receive and accept 304
gifts, bequests, and contributions, from public and private 305
sources, including agencies and instrumentalities of the United 306
States and this state, and shall deposit the grants, gifts, 307
bequests, or contributions into the national guard scholarship 308
reserve fund. 309

Section 2. That existing sections 5910.02 and 5919.34 of the 310
Revised Code are hereby repealed. 311