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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, Johnson, Rosenberger, Pillich, Bulp, Butler, Hagan, C., Landis, Milkovich, Yuko, Adams, R., Amstutz, Anielski, Antonio, Ashford, Baker, Barnes, Beck, Blessing, Boose, Carney, Celebrezze, Celeste, Cera, Clyde, Combs, Conditt, Damschroder, DeVitis, Driehaus, Duffey, Fedor, Foley, Garland, Gerberry, Goyal, Hall, Hayes, Heard, Henne, Hill, Huffman, Kozlowski, Mallory, Martin, Matheney, McClain, McGregor, Murray, O'Brien, Patmon, Phillips, Ramos, Roegner, Rose, Ruhl, Schuring, Sears, Slaby, Slesnick, Stautberg, Stinziano, Szollosi, Terhar, Thompson, Uecker, Williams, Winburn, Young Speaker Batchelder

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A B I L L

To amend sections 5910.01, 5910.02, and 5919.34 and 1
to enact section 5910.07 of the Revised Code to 2
qualify for a War Orphans Scholarship, children of 3
military veterans who participated in an operation 4
for which the Armed Forces Expeditionary Medal was 5
awarded, and to authorize the administrators of 6
the Ohio National Guard Scholarship Program and 7
the Ohio War Orphans Scholarship Program to apply 8
for, and receive and accept, grants, and to 9
receive and accept gifts, bequests, and 10
contributions, from public and private sources. 11

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

Section 1. That sections 5910.01, 5910.02, and 5919.34 be 12
amended and section 5910.07 of the Revised Code be enacted to read 13
as follows: 14

Sec. 5910.01. As used in this chapter and section 5919.34 of 15
the Revised Code: 16

(A) "Child" includes natural and adopted children and 17
stepchildren who have not been legally adopted by the veteran 18
parent provided that the relationship between the stepchild and 19
the veteran parent meets the following criteria: 20

(1) The veteran parent is married to the child's natural or 21
adoptive parent at the time application for a scholarship granted 22
under this chapter is made; or if the veteran parent is deceased, 23
the child's natural or adoptive parent was married to the veteran 24
parent at the time of the veteran parent's death; 25

(2) The child resided with the veteran parent for a period of 26
not less than ten consecutive years immediately prior to making 27
application for the scholarship; or if the veteran parent is 28
deceased, the child resided with the veteran parent for a period 29
of not less than ten consecutive years immediately prior to the 30
veteran parent's death; 31

(3) The child received financial support from the veteran 32
parent for a period of not less than ten consecutive years 33
immediately prior to making application for the scholarship; or if 34
the veteran parent is deceased, the child received financial 35
support from the veteran parent for a period of not less than ten 36
consecutive years immediately prior to the veteran parent's death. 37

(B) "Veteran" includes ~~either~~ any of the following: 38

(1) Any person who was a member of the armed services of the United States for a period of ninety days or more, or who was discharged from the armed services due to a disability incurred while a member with less than ninety days' service, or who died while a member of the armed services; provided that such service, disability, or death occurred during one of the following periods: April 6, 1917, to November 11, 1918; December 7, 1941, to December 31, 1946; June 25, 1950, to January 31, 1955; January 1, 1960, to May 7, 1975; August 2, 1990, to the end of operations conducted as a result of the invasion of Kuwait by Iraq, including support for operation desert shield and operation desert storm, as declared by the president of the United States or the congress; October 7, 2001, to the end of operation enduring freedom as declared by the president of the United States or the congress; March 20, 2003, to the end of operation Iraqi freedom as declared by the president of the United States or the congress; or any other period of conflict established by the United States department of veterans affairs for pension purposes;

(2) Any person who was a member of the armed services of the United States and participated in an operation for which the armed forces expeditionary medal was awarded;

(3) Any person who served as a member of the United States merchant marine and to whom either of the following applies:

(a) The person has an honorable report of separation from the active duty military service, form DD214 or DD215.

(b) The person served in the United States merchant marine between December 7, 1941, and December 31, 1946, and died on active duty while serving in a war zone during that period of service.

(C) "Armed services of the United States" or "United States armed forces" includes the army, air force, navy, marine corps,

coast guard, and such other military service branch as may be 70
designated by congress as a part of the armed forces of the United 71
States. 72

(D) "Board" means the Ohio war orphans scholarship board 73
created by section 5910.02 of the Revised Code. 74

(E) "Disabled" means having a sixty per cent or greater 75
service-connected disability or receiving benefits for permanent 76
and total nonservice-connected disability, as determined by the 77
United States department of veterans affairs. 78

(F) "United States merchant marine" includes the United 79
States army transport service and the United States naval 80
transport service. 81

Sec. 5910.02. There is hereby created an Ohio war orphans 82
scholarship board as part of the department of veterans services. 83
The board consists of eight members as follows: the chancellor of 84
the Ohio board of regents or the chancellor's designee; the 85
director of veterans services or the director's designee; one 86
member of the house of representatives, appointed by the speaker; 87
one member of the senate, appointed by the president of the 88
senate; and four members appointed by the governor, one of whom 89
shall be a representative of the American Legion, one of whom 90
shall be a representative of the Veterans of Foreign Wars, one of 91
whom shall be a representative of the Disabled American Veterans, 92
and one of whom shall be a representative of the AMVETS. At least 93
ninety days prior to the expiration of the term of office of the 94
representative of a veterans organization appointed by the 95
governor, the governor shall notify the state headquarters of the 96
affected organization of the need for an appointment and request 97
the organization to make at least three nominations. Within sixty 98
days after making the request for nominations, the governor may 99
make the appointment from the nominations received, or may reject 100

all the nominations and request at least three new nominations, 101
from which the governor shall make an appointment within thirty 102
days after making the request for the new nominations. If the 103
governor receives no nominations during this thirty-day period, 104
the governor may appoint any veteran. 105

Terms of office for the four members appointed by the 106
governor shall be for four years, commencing on the first day of 107
January and ending on the thirty-first day of December, except 108
that the term of the AMVETS representative shall expire December 109
31, 1998, and the new term that succeeds it shall commence on 110
January 1, 1999, and end on December 31, 2002. Each member shall 111
hold office from the date of the member's appointment until the 112
end of the term for which the member was appointed. The other 113
members shall serve during their terms of office. Any vacancy 114
shall be filled by appointment in the same manner as by original 115
appointment. Any member appointed to fill a vacancy occurring 116
prior to the expiration of the term for which the member's 117
predecessor was appointed shall hold office for the remainder of 118
such term. Any appointed member shall continue in office 119
subsequent to the expiration date of the member's term until the 120
member's successor takes office, or until a period of sixty days 121
has elapsed, whichever occurs first. The members of the board 122
shall serve without pay but shall be reimbursed for travel 123
expenses and for other actual and necessary expenses incurred in 124
the performance of their duties, not to exceed ten dollars per day 125
for ten days in any one year to be appropriated out of any moneys 126
in the state treasury to the credit of the general revenue fund. 127

The chancellor of the board of regents shall act as secretary 128
to the board and shall furnish such clerical and other assistance 129
as may be necessary to the performance of the duties of the board. 130

The board shall determine the number of scholarships to be 131
made available, receive applications for scholarships, pass upon 132

the eligibility of applicants, decide which applicants are to 133
receive scholarships, and do all other things necessary for the 134
proper administration of this chapter. 135

The board may apply for, and may receive and accept, grants, 136
and may receive and accept gifts, bequests, and contributions, 137
from public and private sources, including agencies and 138
instrumentalities of the United States and this state, and shall 139
deposit the grants, gifts, bequests, or contributions into the 140
Ohio war orphans scholarship fund. 141

Sec. 5910.07. The Ohio war orphans scholarship fund is 142
created in the state treasury. The fund shall consist of gifts, 143
bequests, grants, and contributions made to the fund. Investment 144
earnings of the fund shall be deposited into the fund. The fund 145
shall be used to operate the war orphans scholarship program and 146
to provide grants under sections 5910.01 to 5910.06 of the Revised 147
Code. 148

Sec. 5919.34. (A) As used in this section: 149

(1) "Academic term" means any one of the following: 150

(a) Fall term, which consists of fall semester or fall 151
quarter, as appropriate; 152

(b) Winter term, which consists of winter semester, winter 153
quarter, or spring semester, as appropriate; 154

(c) Spring term, which consists of spring quarter; 155

(d) Summer term, which consists of summer semester or summer 156
quarter, as appropriate. 157

(2) "Eligible applicant" means any individual to whom all of 158
the following apply: 159

(a) The individual does not possess a baccalaureate degree. 160

(b) The individual has enlisted, re-enlisted, or extended 161
current enlistment in the Ohio national guard or is an individual 162
to which division (F) of this section applies. 163

(c) The individual is actively enrolled as a full-time or 164
part-time student for at least three credit hours of course work 165
in a semester or quarter in a two-year or four-year 166
degree-granting program at an institution of higher education or 167
in a diploma-granting program at an institution of higher 168
education that is a school of nursing. 169

(d) The individual has not accumulated ninety-six eligibility 170
units under division (E) of this section. 171

(3) "Institution of higher education" means an Ohio 172
institution of higher education that is state-assisted, that is 173
nonprofit and has received a certificate of authorization pursuant 174
to Chapter 1713. of the Revised Code, that is a private 175
institution exempt from regulation under Chapter 3332. of the 176
Revised Code as prescribed in section 3333.046 of the Revised 177
Code, or that holds a certificate of registration and program 178
authorization issued by the state board of career colleges and 179
schools pursuant to section 3332.05 of the Revised Code. 180

(4) "State university" has the same meaning as in section 181
3345.011 of the Revised Code. 182

(B) There is hereby created a scholarship program to be known 183
as the Ohio national guard scholarship program. 184

(C) If the adjutant general estimates that appropriations and 185
any funds in the Ohio national guard scholarship reserve fund are 186
insufficient to pay for all scholarships applied for under this 187
section and likely to be used during an academic term, the 188
adjutant general shall promptly inform all applicants not 189
receiving scholarships for that academic term of the next academic 190
term that appropriations will be adequate for the scholarships. 191

Any such eligible applicant may again apply for a scholarship 192
beginning that academic term if the applicant is in compliance 193
with all requirements established by this section and the adjutant 194
general for the program. The adjutant general shall process all 195
applications for scholarships for each academic term in the order 196
in which they are received. The scholarships shall be made without 197
regard to financial need. At no time shall one person be placed in 198
priority over another because of sex, race, or religion. 199

(D)(1) Except as provided in division (I) of this section, 200
for each academic term that an eligible applicant is approved for 201
a scholarship under this section and either remains a current 202
member in good standing of the Ohio national guard or is eligible 203
for a scholarship under division (F)(1) of this section, the 204
institution of higher education in which the applicant is enrolled 205
shall, if the applicant's enlistment obligation extends beyond the 206
end of that academic term or if division (F)(1) of this section 207
applies, be paid on the applicant's behalf the applicable one of 208
the following amounts: 209

(a) If the institution is state-assisted, an amount equal to 210
one hundred per cent of the institution's tuition charges; 211

(b) If the institution is a nonprofit private institution or 212
a private institution exempt from regulation under Chapter 3332. 213
of the Revised Code as prescribed in section 3333.046 of the 214
Revised Code, an amount equal to one hundred per cent of the 215
average tuition charges of all state universities; 216

(c) If the institution is an institution that holds a 217
certificate of registration from the state board of career 218
colleges and schools, the lesser of the following: 219

(i) An amount equal to one hundred per cent of the total 220
instructional and general charges of the institution; 221

(ii) An amount equal to one hundred per cent of the average 222

tuition charges of all state universities. 223

(2) An eligible applicant's scholarship shall not be reduced 224
by the amount of that applicant's benefits under "the Montgomery 225
G.I. Bill Act of 1984," Pub. L. No. 98-525, 98 Stat. 2553 (1984). 226

(3) An eligible non-prior service applicant's scholarship 227
shall be reduced by the amount of the applicant's tuition benefits 228
under "The Post-9/11 Veterans Educational Assistance Act of 2008," 229
110 Pub. L. No. 252, 122 Stat. 2323 (2008). An eligible prior 230
service applicant's scholarship shall be reduced by the amount of 231
the applicant's tuition benefits under "The Post-9/11 Veterans 232
Educational Assistance Act of 2008" unless the applicant qualified 233
for one hundred per cent tuition under that act and transfers the 234
federal benefits under that act's portability provisions. 235

(E) A scholarship recipient under this section shall be 236
entitled to receive scholarships under this section for the number 237
of quarters or semesters it takes the recipient to accumulate 238
ninety-six eligibility units as determined under divisions (E)(1) 239
to (3) of this section. 240

(1) To determine the maximum number of semesters or quarters 241
for which a recipient is entitled to a scholarship under this 242
section, the adjutant general shall convert a recipient's credit 243
hours of enrollment for each academic term into eligibility units 244
in accordance with the following table: 245

	The			The following	
Number of	following			number of	247
credit hours	number of			eligibility	248
of enrollment	eligibility			units if a	249
in an academic	units if a			semester	250
term	equals	semester	or	quarter	251
					252
12 or more hours		12 units		8 units	253

9 but less than 12	9 units	6 units	254
6 but less than 9	6 units	4 units	255

(2) A scholarship recipient under this section may continue 256
to apply for scholarships under this section until the recipient 257
has accumulated ninety-six eligibility units. 258

(3) If a scholarship recipient withdraws from courses prior 259
to the end of an academic term so that the recipient's enrollment 260
for that academic term is less than three credit hours, no 261
scholarship shall be paid on behalf of that person for that 262
academic term. Except as provided in division (F)(3) of this 263
section, if a scholarship has already been paid on behalf of the 264
person for that academic term, the adjutant general shall add to 265
that person's accumulated eligibility units the number of 266
eligibility units for which the scholarship was paid. 267

(F) This division applies to any eligible applicant called 268
into active duty on or after September 11, 2001. As used in this 269
division, "active duty" means active duty pursuant to an executive 270
order of the president of the United States, an act of the 271
congress of the United States, or section 5919.29 or 5923.21 of 272
the Revised Code. 273

(1) For a period of up to five years from when an 274
individual's enlistment obligation in the Ohio national guard 275
ends, an individual to whom this division applies is eligible for 276
scholarships under this section for those academic terms that were 277
missed or could have been missed as a result of the individual's 278
call into active duty. Scholarships shall not be paid for the 279
academic term in which an eligible applicant's enlistment 280
obligation ends unless an applicant is eligible under this 281
division for a scholarship for such academic term due to previous 282
active duty. 283

(2) When an individual to whom this division applies 284
withdraws or otherwise fails to complete courses, for which 285

scholarships have been awarded under this section, because the 286
individual was called into active duty, the institution of higher 287
education shall grant the individual a leave of absence from the 288
individual's education program and shall not impose any academic 289
penalty for such withdrawal or failure to complete courses. 290
Division (F)(2) of this section applies regardless of whether or 291
not the scholarship amount was paid to the institution of higher 292
education. 293

(3) If an individual to whom this division applies withdraws 294
or otherwise fails to complete courses because the individual was 295
called into active duty, and if scholarships for those courses 296
have already been paid, either: 297

(a) The adjutant general shall not add to that person's 298
accumulated eligibility units calculated under division (E) of 299
this section the number of eligibility units for the academic 300
courses or term for which the scholarship was paid and the 301
institution of higher education shall repay the scholarship amount 302
to the state. 303

(b) The adjutant general shall add to that individual's 304
accumulated eligibility units calculated under division (E) of 305
this section the number of eligibility units for the academic 306
courses or term for which the scholarship was paid if the 307
institution of higher education agrees to permit the individual to 308
complete the remainder of the academic courses in which the 309
individual was enrolled at the time the individual was called into 310
active duty. 311

(4) No individual who is discharged from the Ohio national 312
guard under other than honorable conditions shall be eligible for 313
scholarships under this division. 314

(G) A scholarship recipient under this section who fails to 315
complete the term of enlistment, re-enlistment, or extension of 316

current enlistment the recipient was serving at the time a 317
scholarship was paid on behalf of the recipient under this section 318
is liable to the state for repayment of a percentage of all Ohio 319
national guard scholarships paid on behalf of the recipient under 320
this section, plus interest at the rate of ten per cent per annum 321
calculated from the dates the scholarships were paid. This 322
percentage shall equal the percentage of the current term of 323
enlistment, re-enlistment, or extension of enlistment a recipient 324
has not completed as of the date the recipient is discharged from 325
the Ohio national guard. 326

The attorney general may commence a civil action on behalf of 327
the adjutant general to recover the amount of the scholarships and 328
the interest provided for in this division and the expenses 329
incurred in prosecuting the action, including court costs and 330
reasonable attorney's fees. A scholarship recipient is not liable 331
under this division if the recipient's failure to complete the 332
term of enlistment being served at the time a scholarship was paid 333
on behalf of the recipient under this section is due to the 334
recipient's death; discharge from the national guard due to 335
disability; or the recipient's enlistment, for a term not less 336
than the recipient's remaining term in the national guard, in the 337
active component of the United States armed forces or the active 338
reserve component of the United States armed forces. 339

(H) On or before the first day of each academic term, the 340
adjutant general shall provide an eligibility roster to each 341
institution of higher education at which one or more scholarship 342
recipients have applied for enrollment. The institution shall use 343
the roster to certify the actual full-time or part-time enrollment 344
of each scholarship recipient listed as enrolled at the 345
institution and return the roster to the adjutant general. The 346
adjutant general shall report to the chancellor of the Ohio board 347
of regents the number of students in the Ohio national guard 348

scholarship program at each institution of higher education. The 349
chancellor shall provide for payment of the appropriate number and 350
amount of scholarships to each institution of higher education 351
pursuant to division (D) of this section. If an institution of 352
higher education fails to certify the actual enrollment of a 353
scholarship recipient listed as enrolled at the institution within 354
thirty days of the end of an academic term, the institution shall 355
not be eligible to receive payment from the Ohio national guard 356
scholarship program or from the individual enrollee. The adjutant 357
general shall report on a quarterly basis to the director of 358
budget and management, the speaker of the house of 359
representatives, and the president of the senate the number of 360
Ohio national guard scholarship recipients and a projection of the 361
cost of the program for the remainder of the biennium. 362

(I) The chancellor and the adjutant general may adopt rules 363
pursuant to Chapter 119. of the Revised Code governing the 364
administration and fiscal management of the Ohio national guard 365
scholarship program and the procedure by which the chancellor and 366
the department of the adjutant general may modify the amount of 367
scholarships a member receives based on the amount of other state 368
financial aid a member receives. 369

(J) Notwithstanding division (A) of section 127.14 of the 370
Revised Code, the controlling board shall not transfer all or part 371
of any appropriation for the Ohio national guard scholarship 372
program. 373

(K) The chancellor and the adjutant general may apply for, 374
and may receive and accept grants, and may receive and accept 375
gifts, bequests, and contributions, from public and private 376
sources, including agencies and instrumentalities of the United 377
States and this state, and shall deposit the grants, gifts, 378
bequests, or contributions into the national guard scholarship 379
reserve fund. 380

Section 2. That existing sections 5910.01, 5910.02, and 381
5919.34 of the Revised Code are hereby repealed. 382