

**As Adopted by the House**

**128th General Assembly**

**Regular Session**

**2009-2010**

**Sub. S. J. R. No. 1**

**Senators Grendell, Wilson**

**Cosponsors: Senators Harris, Patton, Schuler, Schaffer, Hughes, Fedor, Miller, D., Smith, Widener, Miller, R., Wagoner, Carey, Cates, Stewart, Faber, Buehrer, Cafaro, Gibbs, Gillmor, Goodman, Kearney, Morano, Roberts, Sawyer, Schiavoni, Schuring, Turner Representatives Adams, R., Amstutz, Bacon, Balderson, Batchelder, Blair, Blessing, Bolon, Book, Boose, Boyd, Burke, Carney, Celeste, Chandler, Coley, Combs, Daniels, DeBose, DeGeeter, Derickson, Dodd, Dolan, Domenick, Driehaus, Dyer, Evans, Fende, Foley, Gardner, Garland, Garrison, Gerberry, Goodwin, Goyal, Grossman, Hackett, Hagan, Harris, Harwood, Heard, Hite, Hottinger, Huffman, Jordan, Koziura, Letson, Luckie, Lundy, Maag, Mallory, Martin, McClain, McGregor, Mecklenborg, Miller, Moran, Murray, Newcomb, Oelslager, Okey, Otterman, Patten, Phillips, Pillich, Pryor, Ruhl, Sayre, Schneider, Skindell, Slesnick, Snitchler, Stautberg, Stewart, Szollosi, Uecker, Wachtmann, Weddington, Williams, B., Williams, S., Winburn, Yates, Yuko, Zehringer, Budish**

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**JOINT RESOLUTION**

Proposing to enact Section 2r of Article VIII of the 1  
Constitution of the State of Ohio to provide 2  
compensation to veterans of the Persian Gulf, 3  
Afghanistan, and Iraq conflicts. 4

Be it resolved by the General Assembly of the State of Ohio, 5  
three-fifths of the members elected to each house concurring 6  
herein, that there shall be submitted to the electors of the 7  
state, in the manner prescribed by law at the general election to 8  
be held on November 3, 2009, a proposal to enact Section 2r of 9  
Article VIII of the Constitution of Ohio to read as follows: 10

ARTICLE VIII

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Section 2r. (A) Upon the request of the department of  
veterans services, the Ohio public facilities commission shall  
proceed to issue and sell, from time to time, bonds or other  
obligations of the state in such amounts as are necessary to  
provide all or part of the funds as may be required to pay the  
compensation established by, and the expenses of administering,  
this section. The original principal amount of obligations so  
issued shall not exceed two hundred million dollars, provided that  
obligations issued under this section to retire or refund  
obligations previously issued under this section shall not be  
counted against that issuance limitation. The full faith and  
credit, revenue, and taxing power of the state is hereby pledged  
for payment of debt service on such obligations issued under this  
section, and the state covenants to continue the levy, collection,  
and application of sufficient state excises, taxes, and revenues  
to the extent needed for those purposes; provided that moneys  
referred to in Section 5a of Article XII of the Constitution of  
the State of Ohio may not be pledged or used for the payment of  
debt service. As used in this section, "debt service" means  
principal and interest and other accreted amounts payable on the  
obligations authorized by this section.

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Each obligation so issued shall mature not later than the  
thirty-first day of December of the fifteenth calendar year after  
its issuance, except that obligations issued to refund obligations  
under this section shall mature not later than the thirty-first  
day of December of the fifteenth calendar year after the year in  
which the original obligation was issued. Except for obligations  
issued under this section to retire or refund obligations  
previously issued under this section, no obligations shall be  
issued under this section later than December 31, 2013.

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In the case of the issuance of any obligations under this

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section as bond anticipation notes, provision shall be made in the 43  
bond or note proceedings for the establishment, and the 44  
maintenance during the period the notes are outstanding, of 45  
special funds into which there shall be paid, from the sources 46  
authorized for payment of the bonds anticipated, the amount that 47  
would have been sufficient to pay the principal that would have 48  
been payable on those bonds during that period if bonds maturing 49  
serially in each year over the maximum period of maturity referred 50  
to in this section had been issued without the prior issuance of 51  
the notes. Those special funds and investment income on them shall 52  
be used solely for the payment of debt service on those notes or 53  
the bonds anticipated. 54

The obligations issued under this section, their transfer, 55  
and the interest, interest equivalent, and other income thereon, 56  
including any profit made on their sale, exchange, or other 57  
disposition, shall at all times be free from taxation within the 58  
state. 59

Such obligations may be sold at public or private sale as 60  
determined by the Ohio public facilities commission. 61

(B) Out of the proceeds of the sale of all obligations, 62  
except those issued to refund or retire obligations previously 63  
issued under this section, the amount that represents accrued 64  
interest, if any, shall be paid into the state treasury into the 65  
Persian gulf, Afghanistan, and Iraq conflicts compensation bond 66  
retirement fund, which is hereby created. As determined at the 67  
time of sale, the amount that represents premium shall be paid 68  
into either the Persian gulf, Afghanistan, and Iraq conflicts 69  
compensation bond retirement fund or the Persian gulf, 70  
Afghanistan, and Iraq conflicts compensation fund, which is hereby 71  
created in the state treasury. The balance of the proceeds shall 72  
be paid into the Persian gulf, Afghanistan, and Iraq conflicts 73  
compensation fund. All proceeds of the sale of any obligations 74

issued under this section to refund or retire obligations 75  
previously issued under this section shall be paid into the 76  
Persian gulf, Afghanistan, and Iraq conflicts compensation bond 77  
retirement fund and used to pay debt service on those outstanding 78  
obligations so refunded. The general assembly may appropriate and 79  
cause to be paid into the Persian gulf, Afghanistan, and Iraq 80  
conflicts compensation bond retirement fund or the Persian gulf, 81  
Afghanistan, and Iraq conflicts compensation fund, out of money in 82  
the treasury not otherwise appropriated, such amount as is proper 83  
for use for the purposes for which such funds are created. Except 84  
for amounts advanced by the general assembly to the Persian gulf, 85  
Afghanistan, and Iraq conflicts compensation fund with the express 86  
expectation of reimbursement from the proceeds of obligations paid 87  
into that fund, and except for amounts transferred under division 88  
(E) of this section for the purpose of defraying the immediate 89  
cost of administration and compensation, if the general assembly 90  
appropriates any funds to the Persian gulf, Afghanistan, and Iraq 91  
conflicts compensation fund prior to the time obligations have 92  
been issued in the original principal amount authorized in this 93  
section, that original principal amount authorized in this section 94  
shall be reduced by the amount of funds appropriated. 95

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(C) On or before the fifteenth day of July of each fiscal 97  
year, the Ohio public facilities commission shall certify, or 98  
cause to be certified, to the director of budget and management 99  
the total amount of money required during the current fiscal year, 100  
together with all other money that will be available in the 101  
Persian gulf, Afghanistan, and Iraq conflicts compensation bond 102  
retirement fund, to meet in full all debt service and related 103  
financing costs on the obligations issued under this section. The 104  
director shall transfer from the general revenue fund to the 105  
Persian gulf, Afghanistan, and Iraq conflicts compensation bond 106  
retirement fund, without necessity of appropriation by the general 107

assembly, an amount equal to the amount so certified, and those 108  
funds shall be used for the payment of the debt service. 109

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(D)(1) The Persian gulf, Afghanistan, and Iraq conflicts 111  
compensation fund shall be paid out upon the order of the 112  
department of veterans services, without necessity of 113  
appropriation by the general assembly, in payment of the expenses 114  
of administering this section and as compensation as follows to 115  
each person who meets all of the following requirements: 116

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(a) The person has served in active duty in the United States 118  
armed forces, except active duty for training only, at any time 119  
between August 2, 1990, and March 3, 1991, at any time between 120  
October 7, 2001, and the date determined by the president of the 121  
United States as the end of involvement of the United States armed 122  
forces in Afghanistan, or at any time between March 19, 2003, and 123  
the date determined by the president of the United States as the 124  
end of the involvement of the United States armed forces in Iraq. 125

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(b) The person was an Ohio resident at the start of active 127  
duty service and is currently an Ohio resident. 128

(c) The person was separated from the United States armed 129  
forces under honorable conditions, is still serving in active duty 130  
service, or remains in any reserve component of the United States 131  
armed forces or in the Ohio national guard after serving on active 132  
duty. 133

A person who meets the requirements of divisions (D)(1)(a), 134  
(b), and (c) of this section is entitled to, and may apply to 135  
receive, compensation of fifty dollars for each month of active 136  
domestic or foreign service and one hundred dollars for each month 137  
of Persian gulf, Afghanistan, or Iraq service during the 138

compensable periods. A person who is medically discharged or 139  
medically retired from service due to combat-related disabilities 140  
sustained during Persian gulf, Afghanistan, or Iraq service is 141  
entitled to, and may apply to receive, compensation of one 142  
thousand dollars. The maximum amount of cash payable to any person 143  
in active domestic or foreign service is five hundred dollars and 144  
the maximum amount of cash payable to any person in Persian gulf, 145  
Afghanistan, or Iraq service is one thousand dollars, unless the 146  
person qualifies for a survivor's payment or a payment based on 147  
missing in action or prisoner of war status under division (D)(2) 148  
or (D)(3) of this section. Compensation for a fraction of a month 149  
of service shall be paid on the basis of one-thirtieth of the 150  
appropriate monthly amount for each day of service. 151

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(2) The surviving spouse, surviving child or children, or 153  
surviving parent or parents, including a person or persons 154  
standing in loco parentis for at least one year preceding 155  
commencement of service in the United States armed forces, is 156  
entitled to, and may apply to receive, the same amount of 157  
compensation that the person who served in the armed forces would 158  
have received under division (D)(1) of this section. If the United 159  
States department of veterans' affairs determines that the 160  
person's death was the result of injuries or illness sustained in 161  
Persian gulf, Afghanistan, or Iraq service, the person's survivors 162  
are entitled to, and may apply for, a survivor's payment of five 163  
thousand dollars, regardless of the amount of compensation that 164  
the deceased would have been entitled to receive under this 165  
section, if living. The survivor's payment shall be made to the 166  
surviving spouse. If there is no surviving spouse, the payment 167  
shall go to the surviving child or children. If there are no 168  
surviving children, the payment shall go to the surviving parent 169  
or parents or person or persons standing in loco parentis for at 170  
least one year preceding commencement of service in the United 171

States armed forces. 172

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(3) A person designated by the United States department of 174  
defense as missing in action as a result of honorable service or 175  
held in enemy captivity, or the spouse, child, or parent, 176  
including a person standing in loco parentis for at least one year 177  
preceding commencement of service in the United States armed 178  
forces, of a person designated as missing in action or held in 179  
enemy captivity, is entitled to, and may apply for, a payment of 180  
five thousand dollars. This payment replaces any other cash 181  
benefit payable under this section. While the person is missing or 182  
held captive, the payment shall be made to the person's spouse. If 183  
there is no spouse to claim the payment, payment shall be made to 184  
the person's child or children. If the person does not have 185  
children, payment shall be made to the person's parent or parents 186  
or person or persons standing in loco parentis for at least one 187  
year preceding commencement of service in the United States armed 188  
forces. 189

No payment to a spouse, child, parent, or person in loco 190  
parentis of a person designated as missing in action as a result 191  
of honorable service or held in enemy captivity, while the person 192  
is missing in action or held captive, shall prevent the missing or 193  
captive person from claiming and receiving a bonus of an equal 194  
amount on the person's release or location. 195

(4) Compensation shall not be paid under this section as 196  
follows: 197

(a) To any person who received from another state a bonus or 198  
compensation of a similar nature; 199

(b) To any person who served less than ninety days in the 200  
United States armed forces, unless active duty was terminated as a 201  
result of injuries or illness sustained during Persian gulf, 202

<u>Afghanistan, or Iraq service during the compensable period;</u>	203
<u>(c) To any person for any time period spent under penal</u>	204
<u>confinement during the compensable period.</u>	205
<u>(5) No sale or assignment of any right or claim to</u>	206
<u>compensation under this section shall be valid. No claims of</u>	207
<u>creditors shall be enforceable against rights or claims to or</u>	208
<u>payments of compensation under this section. No fees shall be</u>	209
<u>charged for services in connection with the prosecution of any</u>	210
<u>right or claim to compensation or the collection of any</u>	211
<u>compensation under this section.</u>	212
<u>(6) All applications for payment of compensation under this</u>	213
<u>section shall be made to the department of veterans services</u>	214
<u>according to the following schedule:</u>	215
<u>(a) For Persian gulf service, not later than December 31,</u>	216
<u>2013;</u>	217
<u>(b) For Afghanistan service, not later than three years after</u>	218
<u>the date determined by the president of the United States as the</u>	219
<u>end of involvement of the United States armed forces in</u>	220
<u>Afghanistan;</u>	221
<u>(c) For Iraq service, not later than three years after the</u>	222
<u>date determined by the president of the United States as the end</u>	223
<u>of involvement of the United States armed forces in Iraq.</u>	224
<u>(7) As used in this section:</u>	225
<u>"Afghanistan service" means military service within</u>	226
<u>Afghanistan during the period between October 7, 2001, and the</u>	227
<u>date determined by the president of the United States as the end</u>	228
<u>of the involvement of the United States armed forces in</u>	229
<u>Afghanistan.</u>	230
<u>"Domestic service" means service within the territorial</u>	231
<u>limits of the fifty states.</u>	232



"Foreign service" means service in locations other than the territorial limits of the fifty states, excluding Persian gulf, Afghanistan, or Iraq service. 233  
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"Iraq service" means military service within Iraq during the period between March 19, 2003, and the date determined by the president of the United States as the end of the involvement of the United States armed forces in Iraq. 236  
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"Persian gulf service" means military service within the Persian gulf theater of operations during the period between August 2, 1990, and March 3, 1991. 240  
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"United States armed forces" includes the army, air force, navy, marine corps, and coast guard; any active reserve component of such forces; and members of the Ohio national guard serving on active duty. 243  
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(E) The department of veterans services (hereinafter referred to as the "department") shall have complete charge of making payment of compensation under division (D) of this section and shall adopt rules, including rules regarding the amounts to which beneficiaries are entitled, residency requirements for purposes of division (D)(1)(b) of this section, and any other rules necessary to implement this section. These rules shall be adopted in accordance with Chapter 119. of the Revised Code. 247  
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The department shall select and appoint legal counsel and employees as are necessary and fix their compensation and prescribe their duties. All appointees shall serve at the pleasure of the director of veterans services. When practical, the department shall employ Persian gulf, Afghanistan, and Iraq conflict veterans to fill such positions. The general assembly shall transfer necessary funds to the Persian gulf, Afghanistan, and Iraq conflicts compensation fund and to the department's operating budget, for the purpose of defraying the immediate cost 255  
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of administration and compensation. Any funds so transferred shall 264  
not reduce the original principal amount of obligations that may 265  
be issued under this section. 266

On payment of all valid claims for cash compensation made 267  
within the time limitations under this section, the department may 268  
transfer any funds remaining in the Persian gulf, Afghanistan, and 269  
Iraq conflicts compensation fund to the Persian gulf, Afghanistan, 270  
and Iraq conflicts compensation bond retirement fund. 271

On retirement of all of the obligations issued under this 273  
section and payment of all valid claims for cash compensation made 274  
within the time limitations under this section, the department 275  
shall make a final report to the general assembly. Any balance 276  
remaining in the Persian gulf, Afghanistan, and Iraq conflicts 277  
compensation fund or the Persian gulf, Afghanistan, and Iraq 278  
conflicts compensation bond retirement fund shall be transferred 279  
or disposed of as provided by law. 280

Notwithstanding any other provision of this section to the 281  
contrary, valid claims for cash compensation made within the time 282  
limitations under this section shall be paid only if adequate 283  
funds remain in the Persian gulf, Afghanistan, and Iraq conflicts 284  
compensation fund. 285

(F) The people of this state declare it to be their intention 286  
that this amendment in no manner affects or changes any of the 287  
existing provisions of the Constitution except as set forth in 288  
this section. The provisions of this section shall be 289  
self-executing. 290

(G) Debt service on obligations issued pursuant to this 291  
section shall not be included in the calculation of total debt 292  
service for purposes of division (A) of Section 17 of Article VIII 293  
of the Constitution of the State of Ohio. 294

(H) As provided in divisions (C) and (D)(1) of this section, 295  
no further act of appropriation is necessary, notwithstanding 296  
Section 22 of Article II of the Constitution of the State of Ohio. 297

(I) Any reference in this section to a public office, 298  
officer, or body shall include any successor thereto. 299

EFFECTIVE DATE 300

If adopted by a majority of the electors voting on this 301  
proposal at the general election held November 3, 2009, Section 2r 302  
of Article VIII of the Constitution of the State of Ohio shall 303  
take effect immediately. 304