

# As Introduced

128th General Assembly  
Regular Session  
2009-2010

S. J. R. No. 1

Senators Grendell, Wilson

Cosponsors: Senators Harris, Patton, Schuler, Schaffer, Hughes, Fedor,  
Miller, D.

---

## JOINT RESOLUTION

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

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

### ARTICLE VIII

Section 2q. (A) Upon the order of the commissioners of the  
sinking fund created by Section 8 of Article VIII of the  
Constitution of the State of Ohio, 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 23  
faith and credit, revenue, and taxing power of the state is hereby 24  
pledged for payment of debt service on such obligations issued 25  
under this section, and the state covenants to continue the levy, 26  
collection, and application of sufficient state excises, taxes, 27  
and revenues to the extent needed for those purposes; provided 28  
that moneys referred to in Section 5a of Article XII of the 29  
Constitution of the State of Ohio may not be pledged or used for 30  
the payment of debt service. As used in this section, "debt 31  
service" means principal and interest and other accreted amounts 32  
payable on the obligations authorized by this section. 33

Each obligation so issued shall mature not later than the 34  
thirty-first day of December of the fifteenth calendar year after 35  
its issuance, except that obligations issued to refund obligations 36  
under this section shall mature not later than the thirty-first 37  
day of December of the fifteenth calendar year after the year in 38  
which the original obligation was issued. Except for obligations 39  
issued under this section to retire or refund obligations 40  
previously issued under this section, no obligations shall be 41  
issued under this section later than April 1, 2012. 42

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

the bonds anticipated. 55

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

Such obligations shall be sold only to the best bidder or 60  
bidders after notice of sale has been published setting forth the 61  
terms and conditions of the sale. The notice of sale shall state 62  
the date and time of the sale, the total face value of the 63  
obligations to be sold, their denominations and maturity dates, 64  
information relative to the rates of interest that they may bear, 65  
the dates on which the interest will be payable, whether and on 66  
what terms they are subject to call or prior redemption, and any 67  
other applicable term or condition of the sale. 68

(B) Out of the proceeds of the sale of all obligations, 70  
except those issued to refund or retire obligations previously 71  
issued under this section, the amount that represents accrued 72  
interest, if any, shall be paid into the state treasury into the 73  
Persian gulf, Afghanistan, and Iraq conflicts compensation bond 74  
retirement fund, which is hereby created. As determined at the 75  
time of sale, the amount that represents premium shall be paid 76  
into either the Persian gulf, Afghanistan, and Iraq conflicts 77  
compensation bond retirement fund or the Persian gulf, 78  
Afghanistan, and Iraq conflicts compensation fund, which is hereby 79  
created in the state treasury. The balance of the proceeds shall 80  
be paid into the Persian gulf, Afghanistan, and Iraq conflicts 81  
compensation fund. All proceeds of the sale of any obligations 82  
issued under this section to refund or retire obligations 83  
previously issued under this section shall be paid into the 84  
Persian gulf, Afghanistan, and Iraq conflicts compensation bond 85  
retirement fund and used to pay debt service on those outstanding 86

obligations so refunded. The general assembly may appropriate and 87  
cause to be paid into the Persian gulf, Afghanistan, and Iraq 88  
conflicts compensation bond retirement fund or the Persian gulf, 89  
Afghanistan, and Iraq conflicts compensation fund, out of money in 90  
the treasury not otherwise appropriated, such amount as is proper 91  
for use for the purposes for which such funds are created. Except 92  
for amounts advanced by the general assembly to the Persian gulf, 93  
Afghanistan, and Iraq conflicts compensation fund with the express 94  
expectation of reimbursement from the proceeds of obligations paid 95  
into that fund, and except for amounts transferred under division 96  
(E) of this section for the purpose of defraying the immediate 97  
cost of administration and compensation, if the general assembly 98  
appropriates any funds to the Persian gulf, Afghanistan, and Iraq 99  
conflicts compensation fund prior to the time obligations have 100  
been issued in the original principal amount authorized in this 101  
section, that original principal amount authorized in this section 102  
shall be reduced by the amount of funds appropriated. 103

(C) On or before the first day of July in each fiscal year, 105  
there shall be certified to the director of budget and management 106  
the total amount of funds necessary to provide, together with all 107  
other money that will be available in the Persian gulf, 108  
Afghanistan, and Iraq conflicts compensation bond retirement fund, 109  
for the payment of debt service in that fiscal year. The director 110  
shall transfer from the general revenue fund to the Persian gulf, 111  
Afghanistan, and Iraq conflicts compensation bond retirement fund, 112  
without necessity of appropriation by the general assembly, an 113  
amount equal to the amount so certified, and those funds shall be 114  
used for the payment of the debt service. 115

(D)(1) The Persian gulf, Afghanistan, and Iraq conflicts 117  
compensation fund shall be paid out upon the order of the 118

commissioners of the sinking fund, without necessity of 119  
appropriation by the general assembly, in payment of the expenses 120  
of administering this section and as compensation as follows to 121  
each person who meets all of the following requirements: 122

123

(a) The person has served in active duty in the United States 124  
armed forces, except active duty for training only, at any time 125  
between August 2, 1990, and March 3, 1991, at any time between 126  
October 7, 2001, and the date determined by the president or 127  
Congress of the United States as the end of involvement of the 128  
United States armed forces in Afghanistan, or at any time between 129  
March 19, 2003, and the date determined by the president or 130  
Congress of the United States as the end of the involvement of the 131  
United States armed forces in Iraq. 132

(b) The person was an Ohio resident for at least one year 133  
immediately preceding the start of active duty service and is 134  
currently an Ohio resident. 135

(c) The person was separated from the United States armed 136  
forces under honorable conditions, is still serving in active duty 137  
service, is retired from active duty service, or remains in the 138  
Ohio national guard after serving on active duty. 139

A person who meets the requirements of divisions (D)(1)(a), 140  
(b), and (c) of this section is entitled to, and may apply to 141  
receive, compensation of fifty dollars for each month of active 142  
domestic or foreign service and one hundred dollars for each month 143  
of Persian gulf, Afghanistan, or Iraq service during the 144  
compensable periods. A person who is medically discharged or 145  
medically retired from service due to combat-related disabilities 146  
sustained during Persian gulf, Afghanistan, or Iraq service is 147  
entitled to, and may apply to receive, compensation of one 148  
thousand dollars. The maximum amount of cash payable to any person 149  
in active domestic or foreign service is five hundred dollars and 150

the maximum amount of cash payable to any person in Persian gulf, 151  
Afghanistan, or Iraq service is one thousand dollars, unless the 152  
person qualifies for a survivor's payment or a payment based on 153  
missing in action or prisoner of war status under division (D)(2) 154  
or (D)(3) of this section. Compensation for a fraction of a month 155  
of service shall be paid on the basis of one-thirtieth of the 156  
appropriate monthly amount for each day of service. 157  
158

(2) The surviving spouse, surviving child or children, or 159  
surviving parent or parents, including a person or persons 160  
standing in loco parentis for one year preceding commencement of 161  
service in the United States armed forces, is entitled to, and may 162  
apply to receive, the same amount of compensation that the person 163  
who served in the armed forces would have received under division 164  
(D)(1) of this section. If the United States department of 165  
veterans' affairs determines that the person's death was the 166  
result of injuries or illness sustained in Persian gulf, 167  
Afghanistan, or Iraq service, the person's survivors are entitled 168  
to, and may apply for, a survivor's payment of five thousand 169  
dollars, regardless of the amount of compensation that the 170  
deceased would have been entitled to receive under this section, 171  
if living. The survivor's payment shall be made to the surviving 172  
spouse. If there is no surviving spouse, the payment shall go to 173  
the surviving child or children. If there are no surviving 174  
children, the payment shall go to the surviving parent or parents 175  
or person or persons standing in loco parentis. 176

(3) A person designated by the United States department of 177  
defense as missing in action as a result of honorable service or 178  
held in enemy captivity, or the spouse, child, or parent, 179  
including a person standing in loco parentis for one year 180  
preceding commencement of active duty service, of a person 181  
designated as missing in action or held in enemy captivity, is 182

entitled to, and may apply for, a payment of five thousand 183  
dollars. This payment replaces any other cash benefit payable 184  
under this section. While the person is missing or held captive, 185  
the payment shall be made to the person's spouse. If there is no 186  
spouse to claim the payment, payment shall be made to the person's 187  
child or children. If the person does not have children, payment 188  
shall be made to the person's parent or parents or person or 189  
persons standing in loco parentis. 190

No payment to a spouse, child, parent, or person in loco 191  
parentis of a person designated as missing in action as a result 192  
of honorable service or held in enemy captivity, while the person 193  
is missing in action or held captive, shall prevent the missing or 194  
captive person from claiming and receiving a bonus of an equal 195  
amount on the person's release or location. 196

(4) Compensation shall not be paid under this section as 197  
follows: 198

(a) To any person who received from another state a bonus or 199  
compensation of a similar nature; 200

(b) To any person who served less than ninety days in the 201  
United States armed forces, unless active duty was terminated as a 202  
result of injuries or illness sustained during Persian gulf, 203  
Afghanistan, or Iraq service during the compensable period; 204

(c) To any person for any time period spent under penal 205  
confinement during the compensable period. 206

(5) No sale or assignment of any right or claim to 207  
compensation under this section shall be valid. No claims of 208  
creditors shall be enforceable against rights or claims to or 209  
payments of compensation under this section. No fees shall be 210  
charged for services in connection with the prosecution of any 211  
right or claim to compensation or the collection of any 212  
compensation under this section. 213

(6) All applications for payment of compensation under this section shall be made to the commissioners of the sinking fund according to the following schedule: 214  
215  
216

(a) For Persian gulf service, not later than December 31, 2011; 217  
218

(b) For Afghanistan service, not later than three years after the date determined by the president or congress of the United States as the end of involvement of the United States armed forces in Afghanistan; 219  
220  
221  
222

(c) For Iraq service, not later than three years after the date determined by the president or congress of the United States as the end of involvement of the United States armed forces in Iraq. 223  
224  
225  
226

(7) As used in this section: 227

"Afghanistan service" means military service within Afghanistan during the period between October 7, 2001, and the date determined by the president or congress of the United States as the end of the involvement of the United States armed forces in Afghanistan. 228  
229  
230  
231  
232

"Domestic service" means service within the territorial limits of the fifty states, excluding sea duty. 233  
234

"Foreign service" means service in locations other than the territorial limits of the fifty states, excluding Persian gulf, Afghanistan, or Iraq service. 235  
236  
237

"Iraq service" means military service within Iraq during the period between March 19, 2003, and the date determined by the president or congress of the United States as the end of the involvement of the United States armed forces in Iraq. 238  
239  
240  
241

"Persian gulf service" means military service within the Persian gulf theater of operations during the period between 242  
243



August 2, 1990, and March 3, 1991. 244

"United States armed forces" includes members of the Ohio national guard serving on active duty. 245  
246

(E) The commissioners of the sinking fund (hereinafter referred to as "commissioners") 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, and any other rules necessary to implement this section. These rules shall be adopted in accordance with Chapter 119. of the Revised Code. 247  
248  
249  
250  
251  
252  
253

The commissioners 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 commissioners' pleasure. When practical, the commissioners 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 commissioners' operating budget, for the purpose of defraying the immediate cost of administration and compensation. Any funds so transferred shall not reduce the original principal amount of obligations that may be issued under this section. 254  
255  
256  
257  
258  
259  
260  
261  
262  
263  
264  
265  
266

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

On retirement of all of the obligations issued under this section and payment of all valid claims for cash compensation made 272  
273  
274

within the time limitations under this section, the commissioners 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

(F) The people of this state declare it to be their intention 281  
that this amendment in no manner affects or changes any of the 282  
existing provisions of the Constitution except as set forth in 283  
this section. The provisions of this section shall be 284  
self-executing. 285

(G) Debt service on obligations issued pursuant to this 286  
section shall not be included in the calculation of total debt 287  
service for purposes of division (A) of Section 17 of Article VIII 288  
of the Constitution of the State of Ohio. 289

(H) As provided in divisions (C) and (D)(1) of this section, 290  
no further act of appropriation is necessary, notwithstanding 291  
Section 22 of Article II of the Constitution of the State of Ohio. 292

(I) Any reference in this section to a public office, 293  
officer, or body shall include any successor thereto. 294

EFFECTIVE DATE 295

If adopted by a majority of the electors voting on this 296  
proposal at the general election held November 3, 2009, Section 2q 297  
of Article VIII of the Constitution of the State of Ohio shall 298  
take effect immediately. 299