



# Ohio Legislative Service Commission

## Final Analysis

Daniel M. DeSantis

### Sub. H.B. 449

128th General Assembly  
(As Passed by the General Assembly)

- Reps.** Ujvagi, Yuko, Goyal, Belcher, Boose, Boyd, Brown, Carney, Celeste, Chandler, DeBose, Domenick, Dyer, Evans, Fende, Foley, Garland, Hackett, Harris, Harwood, Heard, Letson, Luckie, Lundy, Mallory, Murray, Oelslager, Otterman, Patten, Pillich, Pryor, Reece, Schneider, Skindell, Stewart, Sykes, Szollosi, Weddington, B. Williams, Winburn
- Sens.** Carey, Fedor, Turner, Cafaro, Gibbs, Grendell, Harris, D. Miller, Morano, Patton, Sawyer, Schaffer, Schiavoni, Schuring, Strahorn, Wagoner, Widener, Wilson, Kearney

**Effective date:** September 17, 2010; certain provisions effective June 18, 2010

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## ACT SUMMARY

- Permits the use of the federal DD form 93, "Record of Emergency Data Form," to satisfy the written declaration requirements for designating a person who is authorized to direct disposition of a person's remains.
- Establishes criteria for determining military leave pay for publicly employed firefighters and emergency medical technicians with nontraditional work schedules.
- Adds, to the membership of the Veterans Advisory Committee, a member of the Military Officers Association of America.
- Modifies the law governing the operation of Ohio veterans' homes.
- Modifies eligibility requirements for admission to veterans' homes by reducing the Ohio residency requirement to one year and by repealing the requirement to give preference for admission to veterans who have served in Ohio military organizations.

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\* This version updates the effective date of the act.

- Eliminates a requirement that the Director of Veterans Services biennially publish a directory of newly enacted laws dealing with veterans.
- Eliminates a requirement that the Director of Veterans Services make an annual report to the Governor regarding expenditures with respect to and management of the Ohio Veterans' Home Agency.
- Eliminates a requirement that the Director seek Medicaid certification for veterans' homes and Medicaid eligibility for veterans' home residents.
- Makes other miscellaneous changes to the laws governing the Department of Veterans Services.
- Removes Revised Code references to the Ohio Veterans' Home Agency and replaces references to the Director with the Superintendent of Ohio Veterans' Homes, as appropriate, in the laws governing the administration of veterans' homes.
- Modifies pay and accrual of leave provisions for the Adjutant General, the Assistant Adjutant General for Army, the Assistant Adjutant for Air, and the Assistant Quartermaster General (AQG).
- Makes changes to the eligibility requirements to serve as Adjutant General, Assistant Adjutant General for Army, and Assistant Adjutant General for Air, or as AQG.
- Specifies that an Assistant Quartermaster General in the grade of colonel or brigadier general, or any retired officer who has appropriate qualifications for the position, may serve on the Governor's military staff.
- Removes a requirement that the Governor's military staff includes four aides-de-camp.
- Modifies the law establishing who may administer oaths for the purposes of military administration and affidavits.
- Makes miscellaneous changes to the laws governing the Adjutant General and Ohio National Guard.
- Makes changes to the Ohio National Guard Scholarship Program.
- Provides that the spouse of a deceased former prisoner of war (POW) may still apply for and receive a POW license plate even if the spouse has remarried.
- Changes the law regarding the length of leases of vacant armories.

- Combines two appropriation line items within the Department of Veterans Services appropriation without effecting overall appropriation amounts.
- Corrects the name of the Staff Sgt. Sean Landrus Memorial Highway.
- Provides that the act is not subject to the referendum and therefore goes into immediate effect.

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## **CONTENT AND OPERATION**

### **Right of disposition of a person's remains**

(R.C. 2108.72 and 2108.73)

Under continuing law, an adult who is of sound mind may execute a written declaration assigning to a representative the right to direct the disposition, after death, of the declarant's body. The law specifies the information that must be included in the declaration, and specifies that the declaration must be signed and dated by the declarant in the presence of either a notary public or two witnesses who are not related to the declarant.

The act declares that completion of a federal Record of Emergency Data Form, DD Form 93, or its successor form, is sufficient to constitute a written declaration under Ohio law if section 13a of the form, entitled "Person Authorized to Direct Disposition," has been properly completed by a member of the military who has subsequently died while under active duty orders as described in federal law<sup>1</sup> (R.C. 2108.72(C)). A "DD Form 93" is established for use by military personnel and Department of Defense civilian and contractor personnel. If a person uses DD Form 93 for the purposes of a written declaration under Ohio law, it must be signed and dated in the presence of whomever the form requires (R.C. 2108.73(C)).

### **Military leave for firefighters and emergency medical technicians**

(R.C. 5923.05(A)(2)(b) and (g))

Under continuing law, permanent public employees<sup>2</sup> who are members of the Ohio organized militia or members of other reserve components of the armed forces of the United States, including the Ohio National Guard, are entitled to a leave of absence from their respective positions, without loss of pay for the time they are serving in the uniformed services, for periods of up to one month for each calendar year in which they are performing service in the uniformed services. Furthermore, any permanent public employee who is employed by a political subdivision or by a state agency, who is called or ordered<sup>3</sup> to the uniformed services for longer than a month, is protected from loss of

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<sup>1</sup> 10 U.S.C. § 1481.

<sup>2</sup> "Permanent public employee" means any person holding a position in public employment that requires working a regular schedule of 26 consecutive biweekly pay periods, or any other regular schedule of comparable consecutive pay periods, which is not limited to a specific season or duration.

<sup>3</sup> The call or order must be pursuant to an executive order issued by the President of the United States, an act of Congress, or an order to perform duty issued by the Governor.

income during that service in the following manner: An employee of the state is entitled to the difference between the employee's gross monthly wage or salary as a permanent public employee and the sum of the employee's gross uniformed pay and allowances received that month. An employee of a political subdivision is entitled to the same benefit except that the benefit is limited to a monthly maximum per employee of \$500.

Prior law defined "month" as 22 eight-hour work days or 176 hours within one calendar year for state and political subdivision employees generally. The act revises the definition to accommodate certain public safety employees who have nontraditional work schedules. Under the act, "month" for a public safety employee who is employed as a firefighter or emergency medical technician means 17 twenty-four-hour days or 408 hours within one calendar year.

The military leave of absence and compensation entitlements, however, have limited perhaps uncertain applicability with respect to counties, municipal corporations and townships having populations of 5,000 or more, and other political subdivisions:

The military leave of absence and compensation entitlements do not apply to municipal corporations, despite the law suggesting otherwise. In *Northern Ohio Patrolmen's Benevolent Assn. v. Parma*, Ohio St.2d 375 (1980), the Ohio Supreme Court held that an ordinance adopted by a municipality pursuant to its constitutional home-rule authority regarding military leave of its employees prevails over conflicting state law. (Ohio Constitution, article XVII, section 3.) The court concluded that the ability to determine the salaries to be paid to city employees is a fundamental exercise of substantive local self-government.

The military leave of absence and compensation entitlements statute also includes a provision stating that no collective bargaining agreement may afford fewer rights and benefits than are conferred in the statute. This provision, however, appears to conflict in part with the Public Employees Collective Bargaining Law (PECBL), which sets forth the following rule:

The law pertaining to the leave of absence and compensation provided under section 5923.05 of the Revised Code prevails over any conflicting provisions of such agreements if the terms of the agreement contain benefits which are less than those contained in that section or the agreement contains no such terms and . . . the public authority is another entity

listed in division (B) of section 4117.01<sup>4</sup> of the Revised Code that elects to provide leave of absence and compensation as provided in section 5923.05 of the Revised Code. (R.C. § 4117.10.)

This language suggests that if the political subdivision does not make such an election, then R.C. § 5923.05 would not prevail over a collective bargaining agreement. But R.C. § 5923.05 entitles all permanent public employees to the military leave of absence and compensation benefits it provides if a collective bargaining agreement "affords fewer rights and benefits." This entitlement does not depend upon election.<sup>5</sup>

### **Veterans Advisory Committee**

(R.C. 5902.02(K))

Continuing law requires the Director of Veterans Services to establish a Veterans Advisory Committee to advise and assist the Department of Veterans Services in its duties. Members must include a state representative of congressionally chartered veterans organizations,<sup>6</sup> a representative of any other congressionally chartered state veterans organization that has at least one veterans service commissioner in Ohio, three representatives of the Ohio State Association of County Veterans Service Commissioners (who have a combined vote of one), three representatives of the State Association of County Veterans Service Officers (who have a combined vote of one), one representative of the County Commissioners Association of Ohio (who must be a county commissioner not from the same county as any of the other county representatives), a representative of the Advisory Committee on Women Veterans, a representative of a labor organization, and a representative of the Office of the Attorney General.

The act adds as a member of the Veterans Advisory Committee a member of the Military Officers Association of America who is an Ohio resident.

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<sup>4</sup> The other entities being referred to include counties, municipal corporations or townships with a population of 5,000 or more, and public or special districts.

<sup>5</sup> This uncertainty is of no consequence with regard to municipal corporations because of the home rule effect discussed above.

<sup>6</sup> The congressionally chartered veterans organizations being referred to are the American Legion, the Veterans of Foreign Wars, the Disabled American Veterans, the AMVETS, the Military Order of the Purple Heart of the U.S.A., the Vietnam Veterans of America, and the Korean War Veterans Association (R.C. 5901.02, not in the act).

## **Ohio Veterans' Home Agency and Department of Veterans Services**

The act makes numerous changes regarding veterans' homes and the Department of Veterans Affairs. First, the act modifies the operation of, and eligibility requirements for admittance as a resident to, veterans' homes. The act also makes several miscellaneous changes to the operations and duties of the Department. And the act revises the Department's appropriations for the 2010-2011 fiscal biennium. Finally, the act removes obsolete Revised Code references to the Ohio Veterans' Home Agency.<sup>7</sup>

### **Changes to veterans' homes operation and eligibility**

(R.C. 5907.01, 5907.02, 5907.04, and 5907.10; R.C. 5907.05, repealed by the act)

The act provides that the Department, instead of the Ohio Veterans' Home Agency, is responsible for maintaining and operating Ohio veterans' homes. Prior law required that the homes be maintained and operated for honorably discharged veterans. The act instead requires the homes to be maintained and operated in accordance with federal laws governing state veterans' home programs. (*See* 38 U.S.C. 1701 *et seq.*) The act also requires the Director of Veterans Services to appoint a Superintendent of Ohio Veterans' Homes.

The act also changes the eligibility requirements for admission to a veterans' home. Under prior law, a veteran must have been an Ohio citizen for at least five consecutive years before being eligible to reside in a veterans' home. The act reduces the residency requirement to one year. The act also repeals a provision that grants a preference for admission to a veterans' home to veterans who served in Ohio military organizations. In addition, current law lists the specific conflicts during which veterans must have served to qualify to reside in an Ohio veterans' home. The act provides instead that a veteran who served during a period of conflict as determined by the United States Department of Veterans Affairs may be eligible.

### **Miscellaneous changes to Department of Veterans Services and veterans' homes operation**

The act makes several miscellaneous changes to the laws governing the Department of Veterans Services and the operation of veterans' homes.

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<sup>7</sup> The Ohio Veterans' Home Agency was incorporated into the Department as part of S.B. 289 of the 127th General Assembly. That act created the cabinet-level Department of Veterans Affairs, abolished the Agency, and transferred all agency functions, assets, and liabilities to the control of the Department. (*See* S.B. 289, 127th General Assembly, Section 6.)

### **Director of Veterans Services reporting requirements**

(R.C. 3313.616, 5902.02, and 5907.02)

The act eliminates a requirement that the Director of Veterans Services biennially publish and distribute to each county veterans service office and the state headquarters of each congressionally chartered veterans organization in Ohio a directory of recently enacted Ohio laws dealing with veterans issues. The act also eliminates a requirement that the Director annually report to the Governor regarding all expenditures with respect to and management of the Ohio Veterans' Home Agency.

### **Domiciliary care definitions**

(R.C. 5907.01; R.C. 5907.022, not in the act)

Under continuing law, the Director may contract to provide Department-operated or privately operated nursing home care and domiciliary services to veterans. The act provides definitions for "domiciliary" and "domiciliary care" as follows:

(1) "Domiciliary" means a separate area within the Ohio veterans' home providing domiciliary care.

(2) "Domiciliary care" means providing shelter, food, and necessary medical care on an ambulatory self-care basis to eligible veterans who do not need the nursing services provided in nursing homes.

### **Veterans' home chief of police power to appoint officers and other personnel**

(R.C. 5907.02)

The Superintendent of Ohio Veterans' Homes is required to appoint a chief of police. Under prior law, the chief of police was required to appoint officers and other personnel as required for the veterans' homes. The act authorizes the chief instead to recommend the appointment of officers and removes the chief's power to appoint other personnel.

### **Medicaid eligibility**

(R.C. 5907.04)

The act eliminates a requirement that the Superintendent promptly and diligently pursue establishment of Medicaid eligibility for all veterans' home residents. The act also eliminates a requirement that the Superintendent promptly and diligently pursue and maintain Medicaid certification for the largest number of beds within the veterans' homes.



### **Residents' benefit funds**

(R.C. 5907.11)

Under continuing law, a residents' benefit fund may be established in each veterans' home for the entertainment and welfare of the residents. Under prior law it was permissible for the fund to be used to receive and disburse any donations made for events sponsored by the Ohio Veterans Hall of Fame. The act eliminates this additional use.

### **Use of volunteers**

(R.C. 5907.12)

Under prior law, the Director of Veterans Services was authorized to use volunteers to assist with certain tasks carried out by veterans' homes. The Director was required to approve and supervise the volunteer programs and could designate volunteers as state employees for the purpose of motor vehicle accident liability insurance and for the purpose of indemnifying the volunteers from liability incurred in the performance of official duties as permitted under continuing law. The act continues the volunteer programs but transfers oversight of the programs to the Superintendent of Ohio Veterans' Homes.

### **Residents' financial information**

(R.C. 5907.13)

Prior law required a veterans' home resident to submit to the Director statements of income, assets, debts, and expenses the Director requires. The act removes references to the Director, and refers generally to financial information that is "required." Nor does the act specify to whom the required information is to be provided.

### **Appropriation changes**

(Sections 3 and 4)

The act combines the Department of Veterans Services Personal Services (900100) and Maintenance (900200) appropriation items into a new Veterans' Homes Operations appropriation item (900321).

## **Elimination of Ohio Veterans' Home Agency references**

(R.C. 123.024, 3721.50, 5111.21, 5907.021, 5907.023, 5907.08, and 5907.11)

The act makes the following changes to reflect the full assimilation of the Ohio Veterans' Home Agency into the Department of Veterans Services:

(1) Removes a requirement that the Department of Administrative Services provide office space to the Agency.

(2) Replaces a reference exempting nursing homes maintained and operated by the Agency from the nursing facility laws with a reference exempting the Department.

(3) Replaces a reference exempting the Agency from certain Medicaid nursing facility requirements with a reference exempting the Department.

(4) Specifies that the Superintendent of Ohio Veterans' Homes, rather than the Superintendent of the Ohio Veterans' Home Agency, is to act with regard to the eligibility of individuals to serve as chief of police or as police officers of veterans' homes.

(5) Specifies that the Superintendent of Ohio Veterans' Homes, rather than the Superintendent of the Ohio Veterans' Home Agency, is to act regarding procedures that are used when a veterans' home resident becomes dangerous to the community due to mental illness.

(6) Specifies that the Superintendent of Ohio Veterans' Homes, rather than the Superintendent of the Ohio Veterans' Home Agency, is to act regarding the establishment of local funds for each veterans' home to be used for the entertainment and welfare of the home's residents.

(7) Repeals a provision exempting the Agency from oversight by the Sunset Review Committee.

## **Adjutant General and Ohio National Guard changes**

The act makes several changes to the laws governing the Adjutant General and the Ohio National Guard. First, the act makes changes to the manner in which the Adjutant General and other Ohio National Guard officers are paid and accrue leave. Second, the act modifies eligibility to serve as Adjutant General and other officers within the Ohio National Guard. Third, the act modifies the laws governing the administration of oaths for the purpose of military administration and affidavits. Fourth, the act modifies the laws prescribing the Governor's military staff. And finally,

the act makes miscellaneous changes to the laws governing the Adjutant General and the Ohio National Guard.

### **Changes to pay and accrual of leave**

(R.C. 141.02)

Under the act, the Adjutant General, the Assistant Adjutant General for Army, the Assistant Adjutant General for Air, and the Assistant Quartermaster General (AQG) are permitted to retain any federal pay, allowances, and compensation received because of any federally recognized officer status in addition to any state compensation they receive.

The act further provides that the Adjutant General, the Assistant Adjutant General for Army, the Assistant Adjutant General for Air, and the AQG (if the AQG is a federally recognized officer) may take a leave of absence from their respective positions without a loss of pay for the time they are performing service in the uniformed service as required by their federally recognized officer status. The act also provides that these positions are to accrue leave in the same manner as current law provides for other Ohio administrative department heads, such as the Director of Commerce or Superintendent of Insurance. If the AQG is not a federally recognized officer, the act states that the AQG is to accrue leave in the same manner as other permanent state employees.

Continuing law also provides that although the Adjutant General, the Assistant Adjutant General for Army, the Assistant Adjutant General for Air, and the AQG must receive basic allowances for quarters and for subsistence of their rank according to the pay prescribed for the United States Armed Forces, the Assistant Adjutant General for Air may not receive flying pay. The act adds that the Adjutant General also may not receive flying pay, even if the Adjutant General is an officer in the Air National Guard.

### **Adjutant General officer eligibility**

(R.C. 5913.021)

Continuing law requires that the Adjutant General, the Assistant Adjutant General for Army, and the Assistant Adjutant General for Air must each be a federally recognized officer in the Ohio National Guard, the Ohio Army National Guard, or the Ohio Air National Guard, as appropriate, in the grade of colonel or above at the time of appointment. Under prior law it was required that the AQG be a federally recognized officer in the Ohio Army National Guard in the grade of lieutenant colonel or above. The act requires that the AQG must be in the grade of colonel or brigadier general instead of lieutenant colonel.

## **Commissioning officers in the Ohio National Guard**

(R.C. 5919.06)

Under prior law, persons commissioned as officers of the Ohio National Guard must be selected only from the following classes: (1) officers or enlisted men of the National Guard, (2) officers, active or retired, reserve officers, and former officers of the Armed Forces of the United States, (3) persons who hold certificates of eligibility for commission, (4) enlisted men and former enlisted men of the United States Armed Forces who have received an honorable discharge, (5) graduates of the United States Military, Naval, and Air Force academies, (6) graduates of the Reserve Officers Training Corps, and (7) for the technical branches and services, civilians who are specially qualified for duty. The act provides instead that members of the Ohio National Guard are to be commissioned as provided under United States Army, Air Force, and National Guard regulations.

### **Administration of oaths**

(R.C. 5924.136)

Continuing law allows many individuals to administer oaths for the purposes of military administration (including military justice), and affidavits to be taken before many individuals for these purposes, including the state judge advocate, law specialists, adjutants, commanding officers of the naval militia, legal officers, court martial officials, court of inquiry officials, persons detailed to take depositions or to conduct an investigation, and all other persons designated by regulations of the Governor. The act modifies the latter provision to include all other persons designated by regulations of the Adjutant General instead of the Governor.

Under prior law, officers on the state reserve list and state retired list could not administer oaths unless they are on active duty in or with the organized militia under orders of the Governor. The act removes this limitation for officers on the state reserve list. The act retains this limitation for officers on the state retired list.

### **Governor's military staff**

(R.C. 5913.02; R.C. 5913.04, repealed by the act)

Under law largely unchanged by the act, the Governor's military staff may consist of one or more of the following: (1) an Adjutant General in the grade of major general, who is to perform the duties of quartermaster general, (2) an Assistant Adjutant General for Army in the grade of major general, (3) an Assistant Adjutant

General for Air in the grade of major general, and (4) an AQG in the grade of colonel or any other qualified retired officer.

The act provides that an AQG who serves on the Governor's military staff must be in the grade of colonel or brigadier general or any retired officer who has appropriate qualifications for the position. The act eliminates the requirement that the Governor's military staff include four aides-de-camp appointed by the Governor who hold office during the Governor's pleasure. The act also repeals a provision requiring that the Governor's aides-de-camp be detailed from the commissioned officers of the Ohio National Guard in active service.

### **Miscellaneous changes**

(R.C. 5913.01, 5913.011, 5919.26, 5919.28, and 5919.29)

The act makes several smaller changes to the laws governing the Adjutant General and the Ohio National Guard.

### **Ohio National Guard training and evaluation**

The act provides that that the Ohio National Guard must use the system of evaluation of the United States Army or Air Force as its system of evaluation. The act also makes a correction to federal law that is incorporated by reference into Ohio law with regard to the protections that are afforded to National Guard members when they are ordered by the Governor to perform training or duty.

### **Adjutant General's title and command**

The act provides that the Adjutant General is the commander as well as the administrative head of the Ohio organized militia. The act further provides that the Adjutant General must command the joint force headquarters of the Ohio National Guard instead of the state area command.

### **Adjutant General reporting duties**

Under law largely unchanged by the act, the Adjutant General must provide by order the reports to be made by Ohio National Guard officers. The reports are to be upon similar blanks and in similar form to the reports required under the regulations for the United States Armed Forces. The act removes the requirement for the reports to be provided "by order" and "upon similar blanks."

### **Social Security benefits**

Prior law authorized the Adjutant General to enter into a contract with the United States Department of Health, Education and Welfare (HEW) for the purpose of

securing Social Security benefits for qualified employees of the Ohio National Guard. The act updates the provision to authorize the Adjutant General to contract with the Social Security Administration instead of HEW.

## **Ohio National Guard Scholarship**

(R.C. 5919.34)

Continuing law establishes the Ohio National Guard Scholarship Program. The Program provides scholarships to certain individuals who are currently enlisted in the Ohio National Guard and to Ohio National Guard veterans who are called into active duty on or after September 11, 2001. The act makes changes to the Program as described below.

### **Scholarship reduction due to federal aid**

Continuing law provides for the scholarship amount to be paid to an eligible applicant's institution of higher education for each academic term of approved eligibility. The act adds that an applicant's scholarship must be reduced by the amount of the applicant's tuition benefits under a federal scholarship program for post-September 11, 2001, veterans. This reduction does not apply in the case of a prior service applicant who qualified for 100% tuition under the federal program and transfers the federal benefits to the applicant's spouse, children, or both.

### **Scholarship eligibility for Ohio National Guard veterans**

Continuing law provides that an Ohio National Guard veteran who is called into active duty on or after September 11, 2001, is eligible for scholarships under the Program for those academic terms that were missed or could have been missed as a result of the individual's call into active duty. Prior law did not specify a time limit on scholarship eligibility. The act provides that the eligibility period lasts for up to five years from when an individual's enlistment obligation in the Ohio National Guard ends. Additionally, the act adds that no individual who is discharged from the Ohio National Guard under other than honorable conditions is eligible for scholarships awarded to veterans called into active duty on or after September 11, 2001.

### **Credit hour requirement**

Prior law prohibited a scholarship from being paid on behalf of an individual who withdraws from courses prior to the end of an academic term so that the recipient's enrollment for that term is less than six credit hours. The act reduces the requirement to three credit hours.

## **Recipient enrollment certification and receipt of payment by institution**

Continuing law requires an institution of higher education to certify the full-time or part-time enrollment of each scholarship recipient based on an eligibility roster provided by the Adjutant General. The act removes a provision requiring the certified roster to be returned to the Adjutant General within 30 days after the first day of the academic term. The act also provides that if an institution of higher education fails to certify the actual enrollment of a scholarship recipient listed as enrolled at the institution within 30 days of the end of an academic term, the institution is not eligible to receive payment from the Program or from the individual enrollee.

## **Removal of Program participant limit**

Prior law specified for each academic term a limit on the number of participants in the Program for fiscal year 2000 and succeeding fiscal years. The act removes the limit on the number of participants.

## **Inadequate appropriations**

Continuing law requires the Adjutant General to notify all applicants not receiving scholarships for an academic term of the next academic term when scholarships will be available if the Adjutant General estimates that appropriations are inadequate to pay all scholarships that have been applied for and are likely to be used currently. In determining the adequacy of funds, the act requires the Adjutant General to estimate not only appropriations but also any funds in the Ohio National Guard Scholarship Reserve Fund.

## **Prisoner of War license plates**

(R.C. 4503.46)

Under continuing law, the Registrar of Motor Vehicles is authorized to issue license plates inscribed with the words "FORMER POW" to a person who has been a prisoner of war (POW) or to the spouse of a person who has been a POW. The Registrar also can issue such a license plate to the spouse of a deceased former POW, but, under prior law, only if the spouse has not since remarried. The act removes the prohibition against remarriage, thus allowing a remarried spouse of a deceased former POW to obtain such a license plate.

Additionally, continuing law prohibits an applicant for FORMER POW license plates from willfully and falsely representing that the applicant is a qualified recipient of such plates. Because the act permits a spouse of a deceased former POW to apply for

such a license plate even if the spouse has remarried, the act makes the prohibition inapplicable to remarried spouses of deceased POWs.

### **Lease of vacant armories**

(R.C. 5911.10)

Prior law authorized the Governor and Adjutant General to lease a vacant armory for periods not to exceed one year. The act removes the one-year limitation.

### **Staff Sgt. Sean Landrus Memorial Highway**

(R.C. 5533.785)

Prior law designated that a portion of State Route 588 to be known as the "Sgt." Sean Landrus Memorial Highway. The act corrects this designation to reflect Sean Landrus' correct rank of "Staff Sgt."

### **Effective date**

(Section 5)

The act declares that it is not subject to the referendum and therefore goes into immediate effect when it becomes law.

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## **HISTORY**

| <b>ACTION</b>                                       | <b>DATE</b> |
|---|-------------|
| Introduced  | 02-11-10    |
| Reported, H. Veterans Affairs                       | 03-03-10    |
| Passed House (95-3)                                 | 03-10-10    |
| Reported, S. State & Local Gov't & Veterans Affairs | 06-02-10    |
| Passed House (32-0)                                 | 06-03-10    |
| House concurred in Senate amendments (98-0)         | 06-03-10    |

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