



Ohio Legislative Service Commission 122nd House Bill Analysis

Am. H.B. 343** This analysis was prepared before the report of the Senate State & Local Government & Veterans Affairs Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

122nd General Assembly

(As Reported by S. State & Local Government & Veterans Affairs)

Reps. Padgett, Brading, Tiberi, Harris, Terwilleger, Taylor, Schuler, Opfer, Bateman, Reid, Healy, Ogg, Krupinski, Carey, Winkler, Pringle, Sulzer, Roman, Brady, Britton, Miller, Garcia, Johnson, Grendell, Householder, Tavares, Colonna, Mottley, Mallory, Sawyer

- Changes various eligibility requirements for war orphan scholarships.
- Revises the law governing membership on the War Orphan Scholarship Board.
- Makes technical changes in the War Orphans Law.

CONTENT AND OPERATION

Changes in eligibility requirements

Definition of "veteran"

The war orphans scholarship program grants scholarships to the children of certain specified veterans of the armed services. Eligibility for the scholarships is governed by law (sec. 5910.03), subject to limitations presented by statutory definitions (sec. 5910.01). Current law defines "veteran" as follows (sec. 5910.01(B)):

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 September 2, 1945; June 25, 1950, to July 19, 1953; January 1, 1960, to May 7, 1975; or 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.

The bill expands the specified service periods within this definition and thereby expands the potential number of eligible scholarship recipients as follows: (1) the period of December 7, 1941, to September 2, 1945, is extended to December 31, 1946, and (2) the period of June 25, 1950, to July 19, 1953, is extended to January 31, 1955. The bill further expands the definition to include persons who otherwise meet the definition and whose service occurred during any other period of conflict established by the United States Department of Veterans Affairs for pension purposes. (Sec. 5910.01(B).)

General eligibility for a scholarship

Under current law, scholarships may be granted only to children of deceased or disabled veterans of the armed services of the United States. To be eligible for a scholarship, the child must satisfy all of the following (sec. 5910.03):

- (A) At the time of application, have attained the sixteenth, but not the twenty-first, birthday;
- (B) At the time of application, if a child of a veteran who entered the armed services . . . [as] a legal resident of Ohio, have resided in the state for the last preceding year; . . . [and in all other cases], have resided in the state for the year preceding the year in which application for scholarship is made and any other four of the last ten years;
- (C) Be in financial need, as determined by the board;
- (D) Be recommended by the principal of a high school the child has attended.

The bill removes the requirement that the applicant be recommended by the principal of a high school the applicant has

attended.

Eligibility for POW/MIA scholarships

War orphans scholarships generally consist of an exemption from the payment of general and instructional fees at Ohio colleges and universities that receive support from the state and are approved by the Board of Regents or a grant toward the general and instructional fees at a private educational institution located in Ohio (sec. 5910.04, not in the bill). Children of veterans declared missing in action or prisoners of war are eligible for scholarships that, in addition to covering general and instructional fees, cover reasonable and necessary expenses for room, board, books, and laboratory fees. Under current law, children of Ohio veterans who were declared POW/MIA as a result of the participation of the United States in armed conflict in southeast Asia on or after January 1, 1960, and who were Ohio residents at the time of entry into the United States armed services or at the time they were declared POW/MIA are eligible for the extended scholarship. The bill removes the "in southeast Asia" limitation and thereby expands the scholarship eligibility to all children of Ohio veterans who were declared POW/MIA as a result of the participation of the United States in any armed conflict on or after January 1, 1960. (Sec. 5910.032.)

War Orphan Scholarship Board

The War Orphans Scholarship Board has seven members. One member is the Chancellor of the Board of Regents or the Chancellor's designee, one member is a member of the House of Representatives appointed by the Speaker, and one member is a member of the Senate appointed by the President of the Senate. The Governor appoints four members: one must be a member of the American Legion; one must be a member of the Veterans of Foreign Wars; one must be a member of the Disabled American Veterans; and one must be a member of the AMVETS. The terms of office for the four members appointed by the Governor are four years and generally commence on January 1 and end on December 31. The bill removes the requirement that the members of the Board appointed by the Governor be members of their respective organizations, requiring instead that those Board members be representatives of their respective organizations. In addition, the bill alters the term of the current member representing the AMVETS, ending it on December 31, 1998, and establishing a new term that runs from January 1, 1999, to December 31, 2002.

Current law provides no guidelines for the replacement of the Governor's appointees whose terms expire. The bill provides that at least 90 days prior to the expiration of the term of office of the representative of a veterans organization appointed by the Governor, the Governor must notify the state headquarters of the affected organization of the need for an appointment and request the organization to make at least three nominations. Within 60 days after making the request for nominations, the Governor may make the appointment from the nominations received or may reject all the nominations and request at least three new nominations. The Governor must then make a nomination from the three new nominations within 30 days after making the request, or, if the Governor receives no nominations within this 30-day period, the Governor may appoint any veteran to the Board. (Sec. 5910.02.)

Technical changes

The bill contains changes of a technical nature, including gender neutralization and alteration of references to nonexistent or renumbered sections as a result of Am. Sub. H.B. 291 of the 115th General Assembly (effective 7/1/83) (secs. 5910.01, 5910.02, 5910.032, and 5910.06).

HISTORY

ACTION DATE JOURNAL ENTRY

Introduced 03-19-97 pp. 391-392
Reported, H. Veterans Affairs 04-30-97 p. 682
Passed House (94-0) 05-06-97 p. 691
Reported, S. State & Local
Gov't & Veterans Affairs --- ---

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