

**As Introduced**

**131st General Assembly**

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**H. B. No. 464**

**Representatives Terhar, Brinkman**

**Cosponsors: Representatives Becker, Brenner, Dever, Perales, Retherford,  
Rogers, Vitale**

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**A BILL**

To amend section 5919.34 of the Revised Code to 1  
specify that a National Guard scholarship 2  
recipient who fails to complete the recipient's 3  
term of enlistment in the National Guard due to 4  
enlistment, warrant, commission, or appointment 5  
in the United States armed forces is not liable 6  
for repayment of the scholarship. 7

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

**Section 1.** That section 5919.34 of the Revised Code be 8  
amended to read as follows: 9

**Sec. 5919.34.** (A) As used in this section: 10

(1) "Academic term" means any one of the following: 11

(a) Fall term, which consists of fall semester or fall 12  
quarter, as appropriate; 13

(b) Winter term, which consists of winter semester, winter 14  
quarter, or spring semester, as appropriate; 15

(c) Spring term, which consists of spring quarter; 16

(d) Summer term, which consists of summer semester or summer quarter, as appropriate.	17 18
(2) "Eligible applicant" means any individual to whom all of the following apply:	19 20
(a) The individual does not possess a baccalaureate degree.	21 22
(b) The individual has enlisted, re-enlisted, or extended current enlistment in the Ohio national guard or is an individual to which division (F) of this section applies.	23 24 25
(c) The individual is actively enrolled as a full-time or part-time student for at least three credit hours of course work in a semester or quarter in a two-year or four-year degree-granting program at a state institution of higher education or a private institution of higher education, or in a diploma-granting program at a state or private institution of higher education that is a school of nursing.	26 27 28 29 30 31 32
(d) The individual has not accumulated ninety-six eligibility units under division (E) of this section.	33 34
(3) "State institution of higher education" means any state university or college as defined in division (A)(1) of section 3345.12 of the Revised Code, community college established under Chapter 3354. of the Revised Code, state community college established under Chapter 3358. of the Revised Code, university branch established under Chapter 3355. of the Revised Code, or technical college established under Chapter 3357. of the Revised Code.	35 36 37 38 39 40 41 42
(4) "Private institution of higher education" means an Ohio institution of higher education that is nonprofit and has received a certificate of authorization pursuant to Chapter	43 44 45

1713. of the Revised Code, that is a private institution exempt 46  
from regulation under Chapter 3332. of the Revised Code as 47  
prescribed in section 3333.046 of the Revised Code, or that 48  
holds a certificate of registration and program authorization 49  
issued by the state board of career colleges and schools 50  
pursuant to section 3332.05 of the Revised Code. 51

(5) "Tuition" means the charges imposed to attend an 52  
institution of higher education and includes general and 53  
instructional fees. "Tuition" does not include laboratory fees, 54  
room and board, or other similar fees and charges. 55

(B) There is hereby created a scholarship program to be 56  
known as the Ohio national guard scholarship program. 57

(C) The adjutant general shall approve scholarships for 58  
all eligible applicants. The adjutant general shall process all 59  
applications for scholarships for each academic term in the 60  
order in which they are received. The scholarships shall be made 61  
without regard to financial need. At no time shall one person be 62  
placed in priority over another because of sex, race, or 63  
religion. 64

(D) (1) Except as provided in divisions (I) and (J) of this 65  
section, for each academic term that an eligible applicant is 66  
approved for a scholarship under this section and either remains 67  
a current member in good standing of the Ohio national guard or 68  
is eligible for a scholarship under division (F) (1) of this 69  
section, the institution of higher education in which the 70  
applicant is enrolled shall, if the applicant's enlistment 71  
obligation extends beyond the end of that academic term or if 72  
division (F) (1) of this section applies, be paid on the 73  
applicant's behalf the applicable one of the following amounts: 74

(a) If the institution is a state institution of higher education, an amount equal to one hundred per cent of the institution's tuition charges;

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

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

(i) An amount equal to one hundred per cent of the institution's tuition;

(ii) An amount equal to one hundred per cent of the average tuition charges of all state universities, as that term is defined in section 3345.011 of the Revised Code.

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

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

(1) To determine the maximum number of semesters or quarters for which a recipient is entitled to a scholarship under this section, the adjutant general shall convert a recipient's credit hours of enrollment for each academic term

into eligibility units in accordance with the following table:				104
	The			105
Number of	following	The following		106
credit hours	number of	number of		107
of enrollment	eligibility	eligibility		108
in an academic	units if a	units if a		109
term	semester	or	quarter	110
				111
12 or more hours	12 units	8 units		112
9 but less than 12	9 units	6 units		113
6 but less than 9	6 units	4 units		114
3 but less than 6	3 units	2 units		115
(2) A scholarship recipient under this section may				116
continue to apply for scholarships under this section until the				117
recipient has accumulated ninety-six eligibility units.				118
(3) If a scholarship recipient withdraws from courses				119
prior to the end of an academic term so that the recipient's				120
enrollment for that academic term is less than three credit				121
hours, no scholarship shall be paid on behalf of that person for				122
that academic term. Except as provided in division (F) (3) of				123
this section, if a scholarship has already been paid on behalf				124
of the person for that academic term, the adjutant general shall				125
add to that person's accumulated eligibility units the number of				126
eligibility units for which the scholarship was paid.				127
(F) This division applies to any eligible applicant called				128
into active duty on or after September 11, 2001. As used in this				129
division, "active duty" means active duty pursuant to an				130
executive order of the president of the United States, an act of				131
the congress of the United States, or section 5919.29 or 5923.21				132
of the Revised Code.				133

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

(2) When an individual to whom this division applies withdraws or otherwise fails to complete courses, for which scholarships have been awarded under this section, because the individual was called into active duty, the institution of higher education shall grant the individual a leave of absence from the individual's education program and shall not impose any academic penalty for such withdrawal or failure to complete courses. Division (F)(2) of this section applies regardless of whether or not the scholarship amount was paid to the institution of higher education.

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

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

(b) The adjutant general shall add to that individual's 164  
accumulated eligibility units calculated under division (E) of 165  
this section the number of eligibility units for the academic 166  
courses or term for which the scholarship was paid if the 167  
institution of higher education agrees to permit the individual 168  
to complete the remainder of the academic courses in which the 169  
individual was enrolled at the time the individual was called 170  
into active duty. 171

(4) No individual who is discharged from the Ohio national 172  
guard under other than honorable conditions shall be eligible 173  
for scholarships under this division. 174

(G) A scholarship recipient under this section who fails 175  
to complete the term of enlistment, re-enlistment, or extension 176  
of current enlistment the recipient was serving at the time a 177  
scholarship was paid on behalf of the recipient under this 178  
section is liable to the state for repayment of a percentage of 179  
all Ohio national guard scholarships paid on behalf of the 180  
recipient under this section, plus interest at the rate of ten 181  
per cent per annum calculated from the dates the scholarships 182  
were paid. This percentage shall equal the percentage of the 183  
current term of enlistment, re-enlistment, or extension of 184  
enlistment a recipient has not completed as of the date the 185  
recipient is discharged from the Ohio national guard. 186

The attorney general may commence a civil action on behalf 187  
of the chancellor of the Ohio board of regents to recover the 188  
amount of the scholarships and the interest provided for in this 189  
division and the expenses incurred in prosecuting the action, 190  
including court costs and reasonable attorney's fees. A 191  
scholarship recipient is not liable under this division if the 192  
recipient's failure to complete the term of enlistment being 193

served at the time a scholarship was paid on behalf of the 194  
recipient under this section is due to the recipient's death or 195  
discharge from the national guard due to disability or the 196  
recipient's enlistment, warrant, commission, or appointment for 197  
a term not less than the recipient's remaining term in the 198  
national guard, in the active component of the United States 199  
armed forces or the active reserve component of the United 200  
States armed forces. 201

(H) On or before the first day of each academic term, the 202  
adjutant general shall provide an eligibility roster to the 203  
chancellor and to each institution of higher education at which 204  
one or more scholarship recipients have applied for enrollment. 205  
The institution shall use the roster to certify the actual full- 206  
time or part-time enrollment of each scholarship recipient 207  
listed as enrolled at the institution and return the roster to 208  
the adjutant general and the chancellor. Except as provided in 209  
division (J) of this section, the chancellor shall provide for 210  
payment of the appropriate number and amount of scholarships to 211  
each institution of higher education pursuant to division (D) of 212  
this section. If an institution of higher education fails to 213  
certify the actual enrollment of a scholarship recipient listed 214  
as enrolled at the institution within thirty days of the end of 215  
an academic term, the institution shall not be eligible to 216  
receive payment from the Ohio national guard scholarship program 217  
or from the individual enrollee. The adjutant general shall 218  
report on a semiannual basis to the director of budget and 219  
management, the speaker of the house of representatives, the 220  
president of the senate, and the chancellor the number of Ohio 221  
national guard scholarship recipients, the size of the 222  
scholarship-eligible population, and a projection of the cost of 223  
the program for the remainder of the biennium. 224

(I) The chancellor and the adjutant general may adopt 225  
rules pursuant to Chapter 119. of the Revised Code governing the 226  
administration and fiscal management of the Ohio national guard 227  
scholarship program and the procedure by which the chancellor 228  
and the department of the adjutant general may modify the amount 229  
of scholarships a member receives based on the amount of other 230  
state financial aid a member receives. 231

(J) The adjutant general, the chancellor, and the 232  
director, or their designees, shall jointly estimate the costs 233  
of the Ohio national guard scholarship program for each upcoming 234  
fiscal biennium, and shall report that estimate prior to the 235  
beginning of the fiscal biennium to the chairpersons of the 236  
finance committees in the general assembly. During each fiscal 237  
year of the biennium, the adjutant general, the chancellor, and 238  
the director, or their designees, shall meet regularly to 239  
monitor the actual costs of the Ohio national guard scholarship 240  
program and update cost projections for the remainder of the 241  
biennium as necessary. If the amounts appropriated for the Ohio 242  
national guard scholarship program and any funds in the Ohio 243  
national guard scholarship reserve fund and the Ohio national 244  
guard scholarship donation fund are not adequate to provide 245  
scholarships in the amounts specified in division (D)(1) of this 246  
section for all eligible applicants, the chancellor shall do all 247  
of the following: 248

(1) Notify each private institution of higher education, 249  
where a scholarship recipient is enrolled, that, by accepting 250  
the Ohio national guard scholarship program as payment for all 251  
or part of the institution's tuition, the institution agrees 252  
that if the chancellor reduces the amount of each scholarship, 253  
the institution shall provide each scholarship recipient a grant 254  
or tuition waiver in an amount equal to the amount the 255

recipient's scholarship was reduced by the chancellor.	256
(2) Reduce the amount of each scholarship under division	257
(D) (1) (a) of this section proportionally based on the amount of	258
remaining available funds. Each state institution of higher	259
education shall provide each scholarship recipient under	260
division (D) (1) (a) of this section a grant or tuition waiver in	261
an amount equal to the amount the recipient's scholarship was	262
reduced by the chancellor.	263
(K) Notwithstanding division (A) of section 127.14 of the	264
Revised Code, the controlling board shall not transfer all or	265
part of any appropriation for the Ohio national guard	266
scholarship program.	267
(L) The chancellor and the adjutant general may apply for,	268
and may receive and accept grants, and may receive and accept	269
gifts, bequests, and contributions, from public and private	270
sources, including agencies and instrumentalities of the United	271
States and this state, and shall deposit the grants, gifts,	272
bequests, or contributions into the national guard scholarship	273
donation fund.	274
<b>Section 2.</b> That existing section 5919.34 of the Revised	275
Code is hereby repealed.	276