



Kristin Moore

*Final Analysis*  
*Legislative Service Commission*

**Am. Sub. H.B. 118**  
123rd General Assembly  
(As Passed by the General Assembly)

- Reps.** Maier, Metelsky, Hood, Pringle, Schuler, Sullivan, Opfer, Van Vyven, Ford, Vesper, Amstutz, Sulzer, Jones, Roman, Flannery, Healy, Brading, Thomas, Schuring, Haines, Hartnett, Ogg, Carey, Netzley, Buchy, D. Miller, Willamowski, Evans, Salerno, Metzger, Young, Harris, Grendell, Padgett, Sutton, Distel, Verich, Perry, Gerberry, Corbin, Damschroder, Bender, Mottley, Womer Benjamin, Callender, Core, Calvert, Wilson, Cates, Ferderber, Stapleton, Taylor, Patton, Gooding, Logan, Hoops, O'Brien, Olman, Coughlin, Terwilleger, Buehrer
- Sens.** Schafrath, Spada, Latell, White, Herington, Gardner, Watts, Latta, Horn, Oelslager

**Effective date:** \*

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**ACT SUMMARY**

- Modifies the definition of "veteran," as used in separate definitions in six Revised Code sections, to include a person (or an individual) who has served as a member of the United States Merchant Marine and who either has an honorable report of separation from the active duty military service, form DD214 or DD215, or served in the United States Merchant Marine during a specified period of time during World War II and died on active duty while serving in a war zone during that period of service.

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**CONTENT AND OPERATION**

**Former and continuing law**

Several sections of the Revised Code define "veteran" differently. R.C. 351.07, which requires a convention facilities authority to adopt and implement a policy regarding hiring preferences for veterans before employing full-time

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\* *The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared.*

employees, formerly defined and generally continues to define "veteran" as an individual who has served in the active military or naval service of the United States and who was discharged or released under circumstances other than dishonorable (R.C. 351.01(A)). R.C. 3735.42, which generally requires a metropolitan housing authority to give preference, among applicants who are equally in need and eligible to live in a dwelling at the specified rent, to families of veterans and persons serving in the active military or naval service of the United States, also formerly defined and generally continues to define "veteran" as a person who has served in the active military or naval service of the United States and who was discharged or released under conditions other than dishonorable (R.C. 3735.42(A)).

R.C. 3735.62, which allows five or more veterans who are United States citizens and Ohio residents to form a nonprofit corporation for the purpose of purchasing real property and constructing residences for sale to members of the corporation and to borrow money and do anything else that is appropriate to carry out the purpose of the corporation, formerly defined and generally continues to define "veteran" as any person who has served in any branch of the armed forces of the United States in or during any war in which this country has been or is engaged (R.C. 3735.62).

R.C. 5901.01(A), a definition section for the Veterans' Services Law, formerly defined and generally continues to define "veteran" as a former member of the armed forces of the United States who served on active military duty and received an honorable discharge or honorable separation, a member of the armed forces of the United States who died on active military duty, or a member of the armed forces of the United States missing in action more than 90 days (R.C. 5901.01(A)). "Veteran" also was formerly defined in and generally continues to be defined in R.C. 5901.01(B), for purposes of sections of the Revised Code relating to applications for financial assistance under the Veterans' Services Law, as a person who served in the armed forces of the United States on active military duty and was discharged from the service under honorable conditions, and who either served on active duty for reasons other than training or, while serving on active duty for training, incurred a disability recognized by the Department of Veterans Affairs or Department of Defense as service-connected (R.C. 5901.01(B)).

R.C. 5903.11, which requires that a federally funded employment and training program administered by any state agency include a veteran priority system to provide maximum employment and training opportunities to veterans and other eligible persons and requires that disabled veterans, veterans of the Vietnam era, other veterans, and other eligible persons receive preference over nonveterans in the employment and training services available through these

programs, formerly defined and generally continues to define "veteran" as any person who was a member of the armed forces of the United States for a period of 180 days or more or a person who was discharged or released from active duty because of a service-connected disability (R.C. 5903.11(E)(6)).

R.C. 5910.01, a definitional section for the War Orphans Scholarship Law and a statute dealing with the Ohio National Guard Tuition Grant Program, formerly defined and generally continues to define "veteran" as any person who was a member of the armed services of the United States for a period of 90 days or more, or who was discharged from the armed forces due to a disability incurred while a member with less than 90 days' service, or who died while a member of the armed services; provided that the service, disability, or death occurred during one of the following periods: April 6, 1917, to November 11, 1918; December 7, 1941, to December 31, 1946; June 25, 1950, to January 31, 1955; January 1, 1960, to May 7, 1975; 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 Congress; or any other period of conflict established by the Department of Veterans Affairs for pension purposes (R.C. 5901.10(B)).

**Changes made by the act**

The act *modifies the above-described definitions* of "veteran" as follows:

(A) It expands the definition of "veteran" in R.C. 351.07 (convention facilities authority's policy regarding hiring preferences for veterans), in R.C. 3735.42 (metropolitan housing authority preference to families of veterans and persons serving in the active military or naval service of the United States), and in R.C. 3735.62 (veterans' nonprofit corporation for the purpose of purchasing real property) to include an individual (or person) who has served as a member of the United States Merchant Marine and to whom either of the following applies (R.C. 351.07(A)(2)(b), 3735.42(B)(1)(b), and 3735.62(B)(1)(b)):

(1) The individual (or person) has an honorable report of separation from the active duty military service, form DD214 or DD215.

(2) The individual (or person) served in the United States Merchant Marine between December 7, 1941, and December 31, 1946, and died on active duty while serving in a war zone during that period of service.

(B) It expands the general definition of "veteran" in R.C. 5901.01 (the definitional section for the Veterans' Services Law) to include a member of the United States Merchant Marine to whom either of the following applies (R.C. 5901.01(A)(2)):

(1) The member has an honorable report of separation from the active duty military service, form DD214 or DD215.

(2) The member served in the United States Merchant Marine between December 7, 1941, and December 31, 1946, and died on active duty while serving in a war zone during that period of service.

(C) It expands the specific definition used for purposes of the R.C. sections relating to applications for financial assistance under the Veterans' Services Law to include a person who served in the United States Merchant Marine, who either served on active duty for reasons other than training or, while serving on active duty for training, incurred a disability recognized by the Department of Veterans Affairs or the Department of Defense as service-connected, and to whom either of the following applies (R.C. 5901.01(B)(2)):

(1) The person has an honorable report of separation from the active duty military service, form DD214 or DD215.

(2) The person served in the United States Merchant Marine between December 7, 1941, and December 31, 1946, and died on active duty while serving in a war zone during that period of service.

(D) It expands the definition of "veteran" in R.C. 5903.11 (federally funded employment and training programs administered by any state agency) to read as follows (R.C. 5903.11(E)(6)):

(6) "Veteran" means either of the following:

(a) Any person who was a member of the armed forces of the United States for a period of 180 days or more or a person who was discharged or released from active duty because of a service-connected disability [continuing law];

(b) A person who served as a member of the United States Merchant Marine and to whom either of the following applies [added by the act]:

(i) The person has an honorable report of separation from active duty military service, form DD214 or DD215.

(ii) The person served in the United States Merchant Marine between December 7, 1941, and

December 31, 1946, and died on active duty while serving in a war zone during that period of service.

(E) It expands the definition of "veteran" in R.C. 5910.01 (definitional section for the War Orphans Scholarship Law and the statute dealing with the Ohio National Guard Tuition Grant Program) to read as follows (R.C. 5910.01(B)):

(B) "Veteran" includes either of the following:

(1) Any person who was a member of the armed services of the United States for a period of 90 days or more, or who was discharged from the armed services due to a disability incurred while a member with less than 90 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 December 31, 1946; June 25, 1950, to January 31, 1955; January 1, 1960, to May 7, 1975; 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; or any other period of conflict established by the United States Department of Veterans Affairs for pension purposes [continuing law];

(2) Any person who served as a member of the United States Merchant Marine and to whom either of the following applies [added by the act]:

(a) The person has an honorable report of separation from the active duty military service, form DD214 or DD215.

(b) The person served in the United States Merchant Marine between December 7, 1941, and December 31, 1946, and died on active duty while serving in a war zone during that period of service.

Finally, the act defines "United States Merchant Marine" for all of the above sections to include the U.S. Army Transport Service and the U.S. Naval

Transport Service (R.C. 351.07(A)(3), 3735.42(B)(2), 3735.62(B)(2), 5901.01(D), 5903.11(E)(12), and 5910.01(F)).

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## COMMENT

In addition to the six R.C. sections discussed in this analysis, at least 70 other sections of the Revised Code provide benefits and preferences for veterans and do not include a specific definition for the term "veteran." It is unclear what effect the act will have on these sections.

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## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	01-28-99	p. 122
Reported, H. Veterans' Affairs	03-30-99	p. 373
Passed House (98-0)	04-14-99	pp. 404-406
Reported, S. State & Local Gov't & Veterans Affairs	10-14-99	p. 1072
Passed Senate (32-0)	10-19-99	p. 1082

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