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Bill Analysis
Legislative Service Commission

Sub. H.B. 118

123rd General Assembly
(As Reported by H. Veterans' Affairs)

Reps. Maier, Metelsky, Hood, Pringle, Schuler, Sullivan, Opfer, Van Vyven, Ford, Vesper, Amstutz, Sulzer, Jones, Roman, Flannery, Healy, Brading, Thomas

BILL 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.

CONTENT AND OPERATION

Definition of the term "veteran"

Existing 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 employees, defines "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 requires a metropolitan housing authority to give preference, among applicants who are equally in need and eligible to live in the dwelling at the specified rent, to families of veterans, also defines "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 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, defines "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 sections 5901.01 to 5901.37 of the Revised Code, defines "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 ninety days" (R.C. 5901.01(A)). "Veteran" is defined in R.C. 5901.01(B), as used in section 5901.08 and other sections of the Revised Code with regard to applications for financial assistance under sections 5901.02 to 5901.15 of the Revised Code, 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 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, defines "veteran" as "any person who was a member of the armed forces of the United States for a period of one hundred eighty 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 R.C. Chapter 5910. and R.C. 5919.34, defines "veteran" as "any person who was a member of the armed services of the United States for a period of ninety days or more, or was discharged from the armed forces 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 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" (R.C. 5901.10(B)).

Operation of the bill

The bill *modifies the existing definitions* of "veteran" used in the Revised Code as follows:

(A) It modifies the definition of "veteran" in R.C. 351.07, which requires a convention facilities authority to adopt and implement a policy regarding hiring preferences for veterans, in R.C. 3735.42, which requires a metropolitan housing authority to give preference to families of veterans and persons serving in the active military or naval service of the United States, including families of deceased veterans or deceased persons who were so serving at the time of death, and in R.C. 3735.62, which allows five or more veterans to form a 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 apply:

(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) The bill modifies the general definition of "veteran" in R.C. 5901.01, which is the definitional section for R.C. Chapter 5901. (veterans services), to include a member of the United States Merchant Marine to whom either of the following applies:

(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) The bill further modifies the specific definition used in R.C. 5901.08 and other R.C. sections with regard to applications for financial assistance under R.C. 5901.02 to 5901.15 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 (see **COMMENT**):

(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) The bill also modifies the definition of "veteran" in R.C. 5903.11, which deals with federally funded employment and training programs administered by any state agency, to read as follows:

"Veteran" means either of the following:

(1) 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 (existing law);

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

(a) The person has an honorable report of separation from 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.

(E) The bill modifies the definition of "veteran" in R.C. 5910.01, a definitional section for R.C. Chapter 5910. (war orphans) and R.C. 5919.34 (educational grants), to read as follows:

"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 (existing 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 bill):

(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.

The bill 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)).

Other benefits and preferences granted to veterans

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

COMMENT

R.C. 5901.01(B)(1), which appears in upper case in the bill, is existing law and should be in lower case.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	01-28-99	p. 122
Reported, H. Veterans' Affairs	03-30-99	p. 373

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