



# Ohio Legislative Service Commission

## Final Analysis

Jennifer A. Parker

### Sub. H.B. 532

129th General Assembly  
(As Passed by the General Assembly)

**Reps.** Kozlowski and Gonzales, Henne, Gardner, Derickson, J. Adams, Bubp, Pillich, Garland, Grossman, Sears, Szollosi, Hottinger, Buchy, Fende, Wachtmann, Lundy, Ruhl, Yuko, Reece, Dovilla, Boose, Conditt, Stebelton, Maag, Young, Goodwin, Johnson, Landis, Butler, Fedor, C. Hagan, Martin, Milkovich, Rosenberger, Amstutz, R. Adams, Anielski, Antonio, Ashford, Baker, Beck, Blair, Blessing, Boyce, Brenner, Budish, DeVitis, Duffey, Gerberry, Hackett, Hall, Hayes, Hill, Huffman, Letson, Lynch, McClain, Murray, Newbold, O'Brien, Okey, Patmon, Phillips, Roegner, Slesnick, Smith, Sprague, Stautberg, Terhar, Thompson, Uecker Batchelder

**Sens.** Sawyer, Balderson, Beagle, Faber, Hite, Hughes, LaRose, Manning, Obhof, Oelslager, Peterson, Wagoner

**Effective date:** March 22, 2013; certain sections effective December 20, 2012

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## ACT SUMMARY

### Ohio Military Medal of Distinction

- Amends the categories of individuals who, if they are killed under qualifying circumstances, may receive the Ohio Military Medal of Distinction.
- Expands the circumstances of death that qualify an individual to receive the Ohio Military Medal of Distinction.
- Makes changes to the annual process by which the previous year's qualifying medal recipients are identified and recognized.
- Specifies that the Ohio Military Medal of Distinction must be presented to the recipient's primary next of kin, as designated by the recipient or as determined under the rules of the United States Department of Defense.
- Permits a medal recipient's parent or spouse who is not the primary next of kin to request a duplicate medal at no cost.

- Permits a qualifying family member of a medal recipient to request a duplicate medal for a fee.
- Creates the Military Medal of Distinction Fund, which is used to pay for the production of the medals.
- Mandates the transfer of \$2,500 to the new Military Medal of Distinction Fund from the General Revenue Fund and appropriates that amount.

### **Use of sewer and water works funds**

- Expands the areas for which a municipal corporation in Stark County may use up to 5% of its sewer and water-works funds for system extensions to include areas within a joint economic development district and areas within the municipal corporation's boundaries.

### **Community college district housing and dining facilities**

- Permits a community college district located within one mile of a four-year private, nonprofit institution of higher education in Ohio to acquire, by certain methods, and to construct or otherwise modify, housing and dining facilities.
- Also authorizes the district to lease the facilities to or from others.
- Allows the district to pay all or part of the costs of the facilities, and to refund obligations previously issued to pay for the facilities, by issuing obligations of the district.

### **Sale or lease of school district property**

- Temporarily permits a school district to offer highest priority to purchase an athletic field to the current leaseholder.
- Permits a school district to sell or lease real property directly to a STEM school in certain circumstances.

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## **CONTENT AND OPERATION**

### **Ohio Military Medal of Distinction**

#### **Qualifications of the recipient**

The act amends the categories of individuals who, if they are killed under qualifying circumstances, may receive the Ohio Military Medal of Distinction. The act

specifies that an Ohio National Guard member, regardless of the individual's state of residence, and a National Guard member who is a resident of Ohio may receive the medal. Under prior law, with respect to National Guard members, only an Ohio National Guard member who was a resident of Ohio could receive the medal.

The act also removes from eligibility a member of the United States armed forces who is stationed in Ohio by order of the United States Department of Defense. Under continuing law, a United States military reserves member who is a resident of Ohio and a United States armed forces member who is a resident of Ohio are eligible to receive the medal.<sup>1</sup>

### **Circumstances of the recipient's death**

The act expands the circumstances of death that qualify an individual to receive the Ohio Military Medal of Distinction. The act removes the requirement that an individual had to have been killed in the line of duty in order to be eligible to receive the Ohio Military Medal of Distinction. Instead, the person has to have been killed on or after September 10, 2001, while engaged in one of the following four military activities, which remain unchanged by the act:

- Engaging in an action against an enemy of the United States;
- Engaging in military operations involving conflict with an opposing foreign force;
- Serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party; or
- Serving in a combat zone designated by presidential order.<sup>2</sup>

### **Recognition of medal recipients**

The act requires that the Adjutant General annually provide the Governor and the Department of Veterans Services with a list of eligible recipients of the Ohio Military Medal of Distinction. The Adjutant General must prepare a medal for each medal recipient. Each medal is to be presented to the medal recipient's designated primary next of kin. If the medal recipient has not designated a primary next of kin or if the designated primary next of kin is deceased, the primary next of kin must be determined

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<sup>1</sup> R.C. 5913.11(B).

<sup>2</sup> R.C. 5913.11(A).

under the rules of the United States Department of Defense.<sup>3</sup> Each year, the Governor and the General Assembly must hold a joint ceremony to recognize the medal recipients for the prior year.<sup>4</sup>

Under prior law, the General Assembly was required to annually obtain the list of eligible medal recipients from the Adjutant General and meet to recognize the medal recipients for the prior year.<sup>5</sup> Prior law did not require the Adjutant General to prepare the medals, but it has been the practice of the Adjutant General to prepare one medal for each recipient and to present the medal to the recipient's primary next of kin, as determined by United States Department of Defense regulations.<sup>6</sup>

### **Availability of duplicate medals**

The act establishes a process by which a qualifying family member of a recipient of the Ohio Military Medal of Distinction may request a duplicate of the medal that has been awarded to the recipient's primary next of kin.

Under the act, if a parent of the medal recipient is the primary next of kin and the recipient's parents are not married to each other or are legally separated, the recipient's other living parent may request a duplicate medal at no cost. If neither of the recipient's parents is the primary next of kin, the living parents jointly may request a duplicate medal at no cost, except that if the parents are not married to each other or are legally separated, each living parent may request a duplicate medal at no cost. Finally, if the recipient's spouse is not the primary next of kin, the spouse may request a duplicate medal at no cost. The act requires the Adjutant General to prescribe a form by which a parent or spouse may request a duplicate medal at no cost.

The act also permits a recipient's surviving spouse, parent, or grandparent, or the recipient's natural or adopted child, sibling, half sibling, aunt, or uncle who is at least 18 years of age, to obtain a duplicate medal for a fee. The applicant must submit a form, to be prescribed by the Adjutant General, and pay a fee that the Adjutant General sets in an amount no greater than the cost of producing the duplicate medal. Prior law did not provide a process to request a duplicate medal.<sup>7</sup>

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<sup>3</sup> R.C. 5913.11(C)(1); Department of Defense Instruction 1300.18. Available at [dtic.mil/whs/directives/corres/pdf/130018p.pdf](http://dtic.mil/whs/directives/corres/pdf/130018p.pdf), accessed May 15, 2012.

<sup>4</sup> R.C. 5913.11(C)(2).

<sup>5</sup> R.C. 5913.11(C).

<sup>6</sup> Per conversation with Johann Klein, the Ohio Adjutant General's legislative liaison.

<sup>7</sup> R.C. 5913.11(D).

## **Military Medal of Distinction Fund**

The act creates in the state treasury the Military Medal of Distinction Fund, which is used to pay for the production of the medals. The fund consists of fees collected from applicants for duplicate medals and any appropriations made by the General Assembly for purposes of the Ohio Military Medal of Distinction program. The investment earnings of the fund are to be credited to the fund.<sup>8</sup>

The act mandates the transfer of \$2,500 to the new fund from the General Revenue Fund and appropriates that amount.<sup>9</sup>

## **Use of municipal funds for sewer and water systems extensions**

Ongoing law authorizes a municipal corporation in Stark County to conduct a pilot program in fiscal years 2013 and 2014 under which it may use up to 5% of the aggregate amount of money in the municipal corporation's sewer fund, and up to 5% of the aggregate amount of money in a fund created by the municipal corporation for water-works, for the purpose of extending the municipal corporation's sewerage or water system, as applicable. Under former law, money in the funds could be so used only if: (1) the sewerage or water system was being extended to areas for economic development purposes, and (2) the areas into which the system was being extended were the subject of a cooperative economic development agreement entered into by the municipal corporation.

The act retains the requirement discussed in item (1), above, that the extensions must be for economic development purposes. With respect to the requirement described in (2), above, in addition to the systems extension being in areas that are subject to a cooperative economic development agreement, the extension can be within a joint economic development district for which the municipal corporation is a contracting party OR within the boundaries of the municipal corporation.<sup>10</sup>

## **Community college housing and dining facilities**

The act permits a community college district located within one mile of a four-year private, nonprofit institution of higher education in Ohio to acquire, by purchase, lease, lease-purchase, lease with option to purchase, or otherwise, and construct, equip, furnish, reconstruct, alter, enlarge, remodel, renovate, rehabilitate, improve, maintain, repair, and operate, housing and dining facilities. The district may also lease the

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<sup>8</sup> R.C. 5913.11(E).

<sup>9</sup> Section 3 of the act.

<sup>10</sup> Section 707.10 of Am. Sub. H.B. 487 of the 129th General Assembly.

facilities to or from others.<sup>11</sup> Under prior law, housing and dining facilities were excluded from the types of facilities community college districts are permitted to acquire, construct, or lease to or from others.<sup>12</sup>

Under the act, the district may pay for the housing and dining facilities out of the district's available receipts, and may also issue obligations of the district to pay all or part of the costs of the facilities. Such obligations may also be used to refund previously issued obligations of the district to pay for the facilities. The act requires that any obligations issued by the district to pay for housing and dining facilities be issued in compliance with the laws governing the issuance of debt by institutions of higher education in Ohio.<sup>13</sup> Ongoing law establishes certain terms and requirements for the issuing of debt by a community college district, including a provision stating that obligations issued by community college districts are not bonded indebtedness of the district and do not constitute general obligations or the pledge of the full faith and credit of such district.<sup>14</sup>

## **Sale or lease of school district property**

### **Athletic field**

The act temporarily permits a school district to offer highest priority to purchase an athletic field to the current leaseholder. This provision applies only to a city school district that currently leases an athletic field to the governing authority of a chartered nonpublic school. Under the act, the board of education of such a school district may offer for sale an athletic field that it owns in its corporate capacity to the chartered nonpublic school that is the current leaseholder of the property prior to offering the property for sale in the manner required under continuing law. This provision of the act expires on December 31, 2015.<sup>15</sup>

### **Previously offered property**

Under the act, a school district board of education may offer for sale or lease any parcel of real property directly to the governing body of a STEM school without offering that property in the manner required by ongoing law, if all of the following conditions apply:

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<sup>11</sup> R.C. 3354.121(A)(2).

<sup>12</sup> R.C. 3354.121(A)(1).

<sup>13</sup> R.C. 3345.12 (not in the act) and 3354.121(A)(2).

<sup>14</sup> R.C. 3354.121(B) and (D).

<sup>15</sup> Section 7 of the act.

(1) The district board offered the real property for sale prior to June 30, 2011, in the manner required by law, but no entity accepted the offer.

(2) The district board still owns the property and has decided again to dispose of it by sale or lease.

(3) The STEM school, to which the real property is sold or leased in accordance with this provision, was approved for operation between October 1 and December 31, 2012.<sup>16</sup>

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## HISTORY

ACTION	DATE
Introduced	05-01-12
Reported, H. Veterans Affairs	05-15-12
Re-referred to H. Finance & Appropriations	05-15-12
Reported, H. Finance & Appropriations	11-28-12
Passed House (86-0)	11-29-12
Reported, S. Finance	12-11-12
Passed Senate (33-0)	12-12-12
House concurred in Senate amendments (88-0)	12-13-12

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<sup>16</sup> R.C. 3313.41, 3313.411, and 3313.412.

