



# Ohio Legislative Service Commission

## Bill Analysis

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### **Am. H.B. 532\***

129th General Assembly  
(As Reported by H. Veterans Affairs)

**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

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## **BILL SUMMARY**

- 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 recipients of the Ohio Military Medal of Distinction 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 Ohio Military Medal of Distinction at no cost.
- Permits a qualifying family member of a recipient of the Ohio Military Medal of Distinction to request a duplicate medal for a fee.
- Creates the Ohio Military Medal of Distinction Fund, which is used to pay for the production of the medals.
- Appropriates \$2,500 to the new Ohio Military Medal of Distinction Fund from the General Revenue Fund for the purpose of producing the medals.

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\* This analysis was prepared before the report of the House Veterans Affairs Committee appeared in the House Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

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## **CONTENT AND OPERATION**

### **Eligibility for the Ohio Military Medal of Distinction**

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

The bill amends the categories of individuals who, if they are killed under qualifying circumstances, may receive the Ohio Military Medal of Distinction. The bill 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 current law, an Ohio National Guard member who is a resident of Ohio may receive the medal.

The bill 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 bill expands the circumstances of death that qualify an individual to receive the Ohio Military Medal of Distinction. The bill removes the requirement that an individual have been killed in the line of duty in order to be eligible to receive the Ohio Military Medal of Distinction. Instead, the bill requires only that the person have been killed on or after September 10, 2001, while engaged in one of the following four military activities, which the bill does not amend:

- 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>

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

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

## Recognition of medal recipients

The bill requires the Adjutant General annually to 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. The bill specifies that each medal must 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 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. Beginning in 2013, in any year in which the Governor holds a wreath-laying ceremony to honor Ohio's deceased veterans, the ceremony to recognize the medal recipients must be held on the same day as the wreath-laying ceremony.

Under current law, the General Assembly annually must obtain a list of eligible medal recipients from the Adjutant General, and must meet in a joint convention to recognize the medal recipients for the prior year.<sup>4</sup> Existing law does 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>5</sup>

## Availability of duplicate medals

The bill 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.

The bill specifies that 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 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

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<sup>3</sup> R.C. 5913.11(C); 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).

<sup>5</sup> Per conversation with Johann Klein, the Ohio Adjutant General's legislative liaison.

recipient's spouse is not the primary next of kin, the spouse may request a duplicate medal at no cost. The bill requires the Adjutant General to prescribe a form by which a parent or spouse may request a duplicate medal at no cost.

The bill 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 request 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 must set in an amount no greater than the cost of producing the duplicate medal. Existing law does not provide a process to request a duplicate medal.<sup>6</sup>

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

The bill creates the Ohio 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 the purposes of the Ohio Military Medal of Distinction program. The investment earnings of the fund are credited to the fund.<sup>7</sup>

The bill appropriates \$2,500 to the new fund from the General Revenue Fund for the purpose of producing the medals.<sup>8</sup>

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## **HISTORY**

| <b>ACTION</b>                 | <b>DATE</b> |
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| Introduced                    | 05-01-12    |
| Reported, H. Veterans Affairs | --          |

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<sup>6</sup> R.C. 5913.11(D).

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

<sup>8</sup> Section 3 of the bill.

