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Representative Perales

Senators Maharath, Kunze, Gavarone, Antonio, Blessing, Brenner, Coley, Craig, Dolan, Eklund, Fedor, Hackett, Hoagland, Hottinger, Huffman, S., Johnson, Lehner, Manning, Obhof, O'Brien, Peterson, Roegner, Rulli, Schaffer, Schuring, Sykes, Thomas, Williams, Wilson, Yuko

A BILL

To amend sections 307.6910 and 3333.31 of the Revised Code to grant residency status for in-state college tuition to active duty military service members and their spouses and dependents and to make exemptions regarding Open Meetings and Public Records Law for the Veterans Memorial and Museum.

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

Section 1. That sections 307.6910 and 3333.31 of the Revised Code are hereby amended to read as follows:
Revised Code be amended to read as follows:

**Sec. 307.6910.** (A) A new nonprofit corporation shall be organized under the laws of this state for the purpose of operating a veterans memorial and museum to be located within the city of Columbus at the site described in division (B) of this section.

(B) The site of the veterans memorial and museum, shall be constructed on the following parcel of real property owned in fee simple by the board of county commissioners of Franklin county:

That property located at 300 West Broad Street, Columbus, Ohio, generally lying north of Broad Street, south of the right-of-way line of Norfolk and Southern Railway, west of the Scioto River and its floodwall, and east of the east line of Belle Street if the same extended north of Broad Street to the railroad right-of-way.

(C) The bylaws of the new nonprofit corporation shall provide for the board of directors to consist of a minimum of fifteen members. The appointments to the board of directors shall be made in accordance with the articles of incorporation and bylaws of the nonprofit corporation. All appointments to the board of directors shall satisfy any qualifications set forth in the nonprofit corporation's bylaws. The appointments to the board of directors shall be made as follows:

(1) The board of county commissioners of Franklin county shall appoint five members.

(2) The articles of incorporation shall provide for the remaining appointments.

(D) The bylaws of the new nonprofit corporation shall
provide for a national veterans advisory committee to consist of veterans and family members of veterans. Appointments to the national veterans advisory committee shall be made in accordance with the bylaws of the nonprofit corporation.

(E) All notwithstanding any other provision of the Revised Code, meetings and records of the board of directors of the new nonprofit corporation shall be conducted and maintained in accordance with the sunshine laws of this state, including, but not limited to, sections are not subject to section 121.22 and 149.43 of the Revised Code, and records of the board and of the corporation are not public records under section 149.43 of the Revised Code.

(F) The board of county commissioners of Franklin county may lease the site described in division (B) of this section together with any adjacent property, without engaging in competitive bidding, to an Ohio nonprofit corporation for the construction, development, and operation of the veterans memorial and museum. A board of county commissioners may appropriate funds to either the nonprofit corporation established as provided in this section or the nonprofit corporation with which the county has leased the property for permanent improvements and operating expenses of the veterans memorial and museum.

Sec. 3333.31. (A) For state subsidy and tuition surcharge purposes, status as a resident of Ohio shall be defined by the chancellor of higher education by rule promulgated pursuant to Chapter 119. of the Revised Code. No adjudication as to the status of any person under such rule, however, shall be required to be made pursuant to Chapter 119. of the Revised Code. The term "resident" for these purposes shall not be equated with the
definition of that term as it is employed elsewhere under the
laws of this state and other states, and shall not carry with it
any of the legal connotations appurtenant thereto. Rather,
except as provided in divisions (B), (C), (D), and (E)–(F) of
this section, for such purposes, the rule promulgated under this
section shall have the objective of excluding from treatment as
residents those who are present in the state primarily for the
purpose of attending a state-supported or state-assisted
institution of higher education, and may prescribe presumptive
rules, rebuttable or conclusive, as to such purpose based upon
the source or sources of support of the student, residence prior
to first enrollment, evidence of intention to remain in the
state after completion of studies, or such other factors as the
chancellor deems relevant.

(B) The rules of the chancellor for determining student
residency shall grant residency status to a veteran and to the
veteran's spouse and any dependent of the veteran, if both of
the following conditions are met:

(1) The veteran either:

(a) Served one or more years on active military duty and
was honorably discharged or received a medical discharge that
was related to the military service;

(b) Was killed while serving on active military duty or
has been declared to be missing in action or a prisoner of war.

(2) If the veteran seeks residency status for tuition
surcharge purposes, the veteran has established domicile in this
state as of the first day of a term of enrollment in an
institution of higher education. If the spouse or a dependent of
the veteran seeks residency status for tuition surcharge
purposes, the veteran and the spouse or dependent seeking residency status have established domicile in this state as of the first day of a term of enrollment in an institution of higher education, except that if the veteran was killed while serving on active military duty, has been declared to be missing in action or a prisoner of war, or is deceased after discharge, only the spouse or dependent seeking residency status shall be required to have established domicile in accordance with this division.

(C) The rules of the chancellor for determining student residency shall grant residency status to both of the following:

(1) A veteran who is the recipient of federal veterans' benefits under the "All-Volunteer Force Educational Assistance Program," 38 U.S.C. 3001 et seq., or "Post-9/11 Veterans Educational Assistance Program," 38 U.S.C. 3301 et seq., or any successor program, if the veteran meets all of the following criteria:

(a) The veteran served at least ninety days on active duty.

(b) The veteran enrolls in a state institution of higher education, as defined in section 3345.011 of the Revised Code.

(c) The veteran lives in the state as of the first day of a term of enrollment in the state institution of higher education.

(2) A person who is the recipient of the federal Marine Gunnery Sergeant John David Fry scholarship or transferred federal veterans' benefits under any of the programs described in division (C)(1) of this section, if the person meets both of the following criteria:
(a) The person enrolls in a state institution of higher education.

(b) The person lives in the state as of the first day of a term of enrollment in the state institution of higher education.

In order for a person using transferred federal veterans' benefits to qualify under division (C)(2) of this section, the veteran who transferred the benefits must have served at least ninety days on active duty or the service member who transferred the benefits must be on active duty.

(D) The rules of the chancellor for determining student residency shall grant residency status to a service member who is on active duty and to the service member's spouse and any dependent of the service member while the service member is on active duty in the active, reserve, or national guard components of the uniformed services. In order to qualify under division (D) of this section, the rules shall require the student seeking in-state tuition rates to live in the state as of the first day of a term of enrollment in the state institution of higher education, but shall not require the service member or the service member's spouse or dependent to establish domicile in this state as of the first day of a term of enrollment in an institution of higher education.

(E) The rules of the chancellor for determining student residency shall not deny residency status to a student who is either a dependent child of a parent, or the spouse of a person who, as of the first day of a term of enrollment in an institution of higher education, has accepted full-time employment and established domicile in this state for reasons other than gaining the benefit of favorable tuition rates.
Documentation of full-time employment and domicile shall include both of the following documents:

(1) A sworn statement from the employer or the employer's representative on the letterhead of the employer or the employer's representative certifying that the parent or spouse of the student is employed full-time in Ohio;

(2) A copy of the lease under which the parent or spouse is the lessee and occupant of rented residential property in the state, a copy of the closing statement on residential real property of which the parent or spouse is the owner and occupant in this state or, if the parent or spouse is not the lessee or owner of the residence in which the parent or spouse has established domicile, a letter from the owner of the residence certifying that the parent or spouse resides at that residence.

Residency officers may also evaluate, in accordance with the chancellor's rule, requests for immediate residency status from dependent students whose parents are not living and whose domicile follows that of a legal guardian who has accepted full-time employment and established domicile in the state for reasons other than gaining the benefit of favorable tuition rates.

(1) The rules of the chancellor for determining student residency shall grant residency status to a person who, while a resident of this state for state subsidy and tuition surcharge purposes, graduated from a high school in this state or completed the final year of instruction at home as authorized under section 3321.04 of the Revised Code, if the person enrolls in an institution of higher education and establishes domicile in this state, regardless of the student's residence prior to that enrollment.
(2) The rules of the chancellor for determining student residency shall not grant residency status to an alien if the alien is not also an immigrant or a nonimmigrant.

(F) (G) As used in this section:

(1) "Dependent," "domicile," "institution of higher education," and "residency officer" have the meanings ascribed in the chancellor's rules adopted under this section.

(2) "Alien" means a person who is not a United States citizen or a United States national.

(3) "Immigrant" means an alien who has been granted the right by the United States bureau of citizenship and immigration services to reside permanently in the United States and to work without restrictions in the United States.

(4) "Nonimmigrant" means an alien who has been granted the right by the United States bureau of citizenship and immigration services to reside temporarily in the United States.

(5) "Veteran" means any person who has completed service in the uniformed services, as defined in section 3511.01 of the Revised Code.

(6) "Service member" has the same meaning as in section 5903.01 of the Revised Code.

Section 2. That existing sections 307.6910 and 3333.31 of the Revised Code are hereby repealed.