

**As Passed by the House**

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**H. B. No. 603**

**Representative Perales**

**Cosponsors: Representatives Craig, Johnson, Lanese, Kent, O'Brien, Reece, Riedel, Romanchuk, Antani, Ramos, Edwards, Zeltwanger, Anielski, Boggs, Boyd, Brown, Butler, Cupp, Dean, Fedor, Galonski, Ginter, Greenspan, Hagan, Hambley, Holmes, Hoops, Hughes, Ingram, Kelly, Koehler, Landis, Leland, Lepore-Hagan, Manning, McClain, Miller, Patterson, Patton, Reineke, Rogers, Ryan, Schaffer, Sheehy, Slaby, Smith, K., Smith, T., Strahorn, Sweeney, B., Sykes, West, Young, Speaker Smith**

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**A BILL**

To amend section 3333.31 of the Revised Code to  
grant residency status for in-state tuition  
purposes at state institutions of higher  
education to all military service members who  
are on active duty and to their spouses and  
dependents.

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

**Section 1.** That section 3333.31 of the Revised Code be  
amended to read as follows:

**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 15  
definition of that term as it is employed elsewhere under the 16  
laws of this state and other states, and shall not carry with it 17  
any of the legal connotations appurtenant thereto. Rather, 18  
except as provided in divisions (B), (C), (D), and ~~(E)~~ (F) of 19  
this section, for such purposes, the rule promulgated under this 20  
section shall have the objective of excluding from treatment as 21  
residents those who are present in the state primarily for the 22  
purpose of attending a state-supported or state-assisted 23  
institution of higher education, and may prescribe presumptive 24  
rules, rebuttable or conclusive, as to such purpose based upon 25  
the source or sources of support of the student, residence prior 26  
to first enrollment, evidence of intention to remain in the 27  
state after completion of studies, or such other factors as the 28  
chancellor deems relevant. 29

(B) The rules of the chancellor for determining student 30  
residency shall grant residency status to a veteran and to the 31  
veteran's spouse and any dependent of the veteran, if both of 32  
the following conditions are met: 33

(1) The veteran either: 34

(a) Served one or more years on active military duty and 35  
was honorably discharged or received a medical discharge that 36  
was related to the military service; 37

(b) Was killed while serving on active military duty or 38  
has been declared to be missing in action or a prisoner of war. 39

(2) If the veteran seeks residency status for tuition 40  
surcharge purposes, the veteran has established domicile in this 41  
state as of the first day of a term of enrollment in an 42  
institution of higher education. If the spouse or a dependent of 43

the veteran seeks residency status for tuition surcharge 44  
purposes, the veteran and the spouse or dependent seeking 45  
residency status have established domicile in this state as of 46  
the first day of a term of enrollment in an institution of 47  
higher education, except that if the veteran was killed while 48  
serving on active military duty, has been declared to be missing 49  
in action or a prisoner of war, or is deceased after discharge, 50  
only the spouse or dependent seeking residency status shall be 51  
required to have established domicile in accordance with this 52  
division. 53

(C) The rules of the chancellor for determining student 54  
residency shall grant residency status to both of the following: 55

(1) A veteran who is the recipient of federal veterans' 56  
benefits under the "All-Volunteer Force Educational Assistance 57  
Program," 38 U.S.C. 3001 et seq., or "Post-9/11 Veterans 58  
Educational Assistance Program," 38 U.S.C. 3301 et seq., or any 59  
successor program, if the veteran meets all of the following 60  
criteria: 61

(a) The veteran served at least ninety days on active 62  
duty. 63

(b) The veteran enrolls in a state institution of higher 64  
education, as defined in section 3345.011 of the Revised Code. 65

(c) The veteran lives in the state as of the first day of 66  
a term of enrollment in the state institution of higher 67  
education. 68

(2) A person who is the recipient of the federal Marine 69  
Gunnery Sergeant John David Fry scholarship or transferred 70  
federal veterans' benefits under any of the programs described 71  
in division (C) (1) of this section, if the person meets both of 72

the following criteria: 73

(a) The person enrolls in a state institution of higher 74  
education. 75

(b) The person lives in the state as of the first day of a 76  
term of enrollment in the state institution of higher education. 77

In order to qualify under division (C) (2) of this section, 78  
the veteran's period of active duty must have been at least 79  
ninety days. 80

(D) The rules of the chancellor for determining student 81  
residency shall grant residency status to a service member who 82  
is on active duty and to the service member's spouse and any 83  
dependent of the service member while the service member is on 84  
active duty. In order to qualify under division (D) of this 85  
section, the rules shall not require the service member or the 86  
service member's spouse or dependent to establish domicile in 87  
this state as of the first day of a term of enrollment in an 88  
institution of higher education. 89

(E) The rules of the chancellor for determining student 90  
residency shall not deny residency status to a student who is 91  
either a dependent child of a parent, or the spouse of a person 92  
who, as of the first day of a term of enrollment in an 93  
institution of higher education, has accepted full-time 94  
employment and established domicile in this state for reasons 95  
other than gaining the benefit of favorable tuition rates. 96

Documentation of full-time employment and domicile shall 97  
include both of the following documents: 98

(1) A sworn statement from the employer or the employer's 99  
representative on the letterhead of the employer or the 100  
employer's representative certifying that the parent or spouse 101

of the student is employed full-time in Ohio; 102

(2) A copy of the lease under which the parent or spouse 103  
is the lessee and occupant of rented residential property in the 104  
state, a copy of the closing statement on residential real 105  
property of which the parent or spouse is the owner and occupant 106  
in this state or, if the parent or spouse is not the lessee or 107  
owner of the residence in which the parent or spouse has 108  
established domicile, a letter from the owner of the residence 109  
certifying that the parent or spouse resides at that residence. 110

Residency officers may also evaluate, in accordance with 111  
the chancellor's rule, requests for immediate residency status 112  
from dependent students whose parents are not living and whose 113  
domicile follows that of a legal guardian who has accepted full- 114  
time employment and established domicile in the state for 115  
reasons other than gaining the benefit of favorable tuition 116  
rates. 117

~~(E)~~(F) (1) The rules of the chancellor for determining 118  
student residency shall grant residency status to a person who, 119  
while a resident of this state for state subsidy and tuition 120  
surcharge purposes, graduated from a high school in this state 121  
or completed the final year of instruction at home as authorized 122  
under section 3321.04 of the Revised Code, if the person enrolls 123  
in an institution of higher education and establishes domicile 124  
in this state, regardless of the student's residence prior to 125  
that enrollment. 126

(2) The rules of the chancellor for determining student 127  
residency shall not grant residency status to an alien if the 128  
alien is not also an immigrant or a nonimmigrant. 129

~~(F)~~(G) As used in this section: 130

(1) "Dependent," "domicile," "institution of higher education," and "residency officer" have the meanings ascribed in the chancellor's rules adopted under this section.	131 132 133
(2) "Alien" means a person who is not a United States citizen or a United States national.	134 135
(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.	136 137 138 139
(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.	140 141 142
(5) "Veteran" means any person who has completed service in the uniformed services, as defined in section 3511.01 of the Revised Code.	143 144 145
<u>(6) "Service member" has the same meaning as in section 5903.01 of the Revised Code.</u>	146 147
<b>Section 2.</b> That existing section 3333.31 of the Revised Code is hereby repealed.	148 149