

As Reported by the Senate Higher Education Committee

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Representative Perales

Cosponsors: Representatives Antani, Becker, Boyd, Brown, Carfagna, Crawley, Ginter, Hood, Hoops, Jones, Kent, Kick, Lang, Lipps, Manning, G., Miller, A., Miller, J., Miranda, O'Brien, Patterson, Reineke, Riedel, Roemer, Rogers, Romanchuk, Russo, Schaffer, Sheehy, Smith, K., Upchurch, Vitale, Weinstein, Richardson, Ghanbari, Arndt, Baldrige, Blessing, Boggs, Brent, Butler, Callender, Carruthers, Clites, Cross, Crossman, Cupp, Dean, Denson, DeVitis, Edwards, Galonski, Green, Greenspan, Hambley, Hicks-Hudson, Hillyer, Holmes, A., Howse, Ingram, Keller, Kelly, Koehler, Leland, Lepore-Hagan, Lightbody, Liston, Manning, D., McClain, Oelslager, Patton, Plummer, Robinson, Ryan, Scherer, Seitz, Skindell, Smith, R., Smith, T., Sobeki, Stein, Stoltzfus, Sweeney, Sykes, Wiggam, Zeltwanger

Senators Maharath, Kunze, Gavarone

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 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 11
operating a veterans memorial and museum to be located within 12
the city of Columbus at the site described in division (B) of 13
this section. 14

(B) The site of the veterans memorial and museum, shall be 15
constructed on the following parcel of real property owned in 16
fee simple by the board of county commissioners of Franklin 17
county: 18

That property located at 300 West Broad Street, Columbus, 19
Ohio, generally lying north of Broad Street, south of the right- 20
of-way line of Norfolk and Southern Railway, west of the Scioto 21
River and its floodwall, and east of the east line of Belle 22
Street if the same extended north of Broad Street to the 23
railroad right-of-way. 24

(C) The bylaws of the new nonprofit corporation shall 25
provide for the board of directors to consist of a minimum of 26
fifteen members. The appointments to the board of directors 27
shall be made in accordance with the articles of incorporation 28
and bylaws of the nonprofit corporation. All appointments to the 29
board of directors shall satisfy any qualifications set forth in 30
the nonprofit corporation's bylaws. The appointments to the 31
board of directors shall be made as follows: 32

(1) The board of county commissioners of Franklin county 33
shall appoint five members. 34

(2) The articles of incorporation shall provide for the 35
remaining appointments. 36

(D) The bylaws of the new nonprofit corporation shall 37
provide for a national veterans advisory committee to consist of 38
veterans and family members of veterans. Appointments to the 39

national veterans advisory committee shall be made in accordance 40
with the bylaws of the nonprofit corporation. 41

(E) ~~All Notwithstanding any other provision of the Revised 42~~
~~Code, meetings and records of the board of directors of the new 43~~
~~nonprofit corporation shall be conducted and maintained in 44~~
~~accordance with the sunshine laws of this state, including, but 45~~
~~not limited to, sections are not subject to section 121.22 and 46~~
~~149.43 of the Revised Code, and records of the board and of the 47~~
~~corporation are not public records under section 149.43 of the 48~~
~~Revised Code. 49~~

(F) The board of county commissioners of Franklin county 50
may lease the site described in division (B) of this section 51
together with any adjacent property, without engaging in 52
competitive bidding, to an Ohio nonprofit corporation for the 53
construction, development, and operation of the veterans 54
memorial and museum. A board of county commissioners may 55
appropriate funds to either the nonprofit corporation 56
established as provided in this section or the nonprofit 57
corporation with which the county has leased the property for 58
permanent improvements and operating expenses of the veterans 59
memorial and museum. 60

Sec. 3333.31. (A) For state subsidy and tuition surcharge 61
purposes, status as a resident of Ohio shall be defined by the 62
chancellor of higher education by rule promulgated pursuant to 63
Chapter 119. of the Revised Code. No adjudication as to the 64
status of any person under such rule, however, shall be required 65
to be made pursuant to Chapter 119. of the Revised Code. The 66
term "resident" for these purposes shall not be equated with the 67
definition of that term as it is employed elsewhere under the 68
laws of this state and other states, and shall not carry with it 69

any of the legal connotations appurtenant thereto. Rather, 70
except as provided in divisions (B), (C), (D), and ~~(E)~~-(F) of 71
this section, for such purposes, the rule promulgated under this 72
section shall have the objective of excluding from treatment as 73
residents those who are present in the state primarily for the 74
purpose of attending a state-supported or state-assisted 75
institution of higher education, and may prescribe presumptive 76
rules, rebuttable or conclusive, as to such purpose based upon 77
the source or sources of support of the student, residence prior 78
to first enrollment, evidence of intention to remain in the 79
state after completion of studies, or such other factors as the 80
chancellor deems relevant. 81

(B) The rules of the chancellor for determining student 82
residency shall grant residency status to a veteran and to the 83
veteran's spouse and any dependent of the veteran, if both of 84
the following conditions are met: 85

(1) The veteran either: 86

(a) Served one or more years on active military duty and 87
was honorably discharged or received a medical discharge that 88
was related to the military service; 89

(b) Was killed while serving on active military duty or 90
has been declared to be missing in action or a prisoner of war. 91

(2) If the veteran seeks residency status for tuition 92
surcharge purposes, the veteran has established domicile in this 93
state as of the first day of a term of enrollment in an 94
institution of higher education. If the spouse or a dependent of 95
the veteran seeks residency status for tuition surcharge 96
purposes, the veteran and the spouse or dependent seeking 97
residency status have established domicile in this state as of 98

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. 128
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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. 130
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(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. 135
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(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. 148
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Documentation of full-time employment and domicile shall include both of the following documents: 155
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(1) A sworn statement from the employer or the employer's 157
representative on the letterhead of the employer or the 158
employer's representative certifying that the parent or spouse 159
of the student is employed full-time in Ohio; 160

(2) A copy of the lease under which the parent or spouse 161
is the lessee and occupant of rented residential property in the 162
state, a copy of the closing statement on residential real 163
property of which the parent or spouse is the owner and occupant 164
in this state or, if the parent or spouse is not the lessee or 165
owner of the residence in which the parent or spouse has 166
established domicile, a letter from the owner of the residence 167
certifying that the parent or spouse resides at that residence. 168

Residency officers may also evaluate, in accordance with the chancellor's 169
rule, requests for immediate residency status from dependent students 170
whose parents are not living and whose domicile follows that of a legal 171
guardian who has accepted full-time employment and established domicile in 172
the state for reasons other than gaining the benefit of favorable tuition 173
rates. 174

~~(E)~~ (F) (1) The rules of the chancellor for determining 175
student residency shall grant residency status to a person who, 176
while a resident of this state for state subsidy and tuition 177
surcharge purposes, graduated from a high school in this state 178
or completed the final year of instruction at home as authorized 179
under section 3321.04 of the Revised Code, if the person enrolls 180
in an institution of higher education and establishes domicile 181
in this state, regardless of the student's residence prior to 182
that enrollment. 183

(2) The rules of the chancellor for determining student 184
residency shall not grant residency status to an alien if the 185
alien is not also an immigrant or a nonimmigrant. 186

(F) <u>(G)</u> As used in this section:	187
(1) "Dependent," "domicile," "institution of higher education," and "residency officer" have the meanings ascribed in the chancellor's rules adopted under this section.	188 189 190
(2) "Alien" means a person who is not a United States citizen or a United States national.	191 192
(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.	193 194 195 196
(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.	197 198 199
(5) "Veteran" means any person who has completed service in the uniformed services, as defined in section 3511.01 of the Revised Code.	200 201 202
(6) "Service member" has the same meaning as in section 5903.01 of the Revised Code.	203 204
Section 2. That existing sections 307.6910 and 3333.31 of the Revised Code are hereby repealed.	205 206