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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., Sobecki, Stein, Stoltzfus, Sweeney, Sykes, Wiggam, Zeltwanger

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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:

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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.

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(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:

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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.

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(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:

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

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

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(D) The bylaws of the new nonprofit corporation shall

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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 99
higher education, except that if the veteran was killed while 100
serving on active military duty, has been declared to be missing 101
in action or a prisoner of war, or is deceased after discharge, 102
only the spouse or dependent seeking residency status shall be 103
required to have established domicile in accordance with this 104
division. 105

(C) The rules of the chancellor for determining student 106
residency shall grant residency status to both of the following: 107

(1) A veteran who is the recipient of federal veterans' 108
benefits under the "All-Volunteer Force Educational Assistance 109
Program," 38 U.S.C. 3001 et seq., or "Post-9/11 Veterans 110
Educational Assistance Program," 38 U.S.C. 3301 et seq., or any 111
successor program, if the veteran meets all of the following 112
criteria: 113

(a) The veteran served at least ninety days on active 114
duty. 115

(b) The veteran enrolls in a state institution of higher 116
education, as defined in section 3345.011 of the Revised Code. 117

(c) The veteran lives in the state as of the first day of 118
a term of enrollment in the state institution of higher 119
education. 120

(2) A person who is the recipient of the federal Marine 121
Gunnery Sergeant John David Fry scholarship or transferred 122
federal veterans' benefits under any of the programs described 123
in division (C)(1) of this section, if the person meets both of 124
the following criteria: 125

(a) The person enrolls in a state institution of higher education. 126
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(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 155
include both of the following documents: 156

(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)~~ (G) As used in this section: 187

(1) "Dependent," "domicile," "institution of higher 188
education," and "residency officer" have the meanings ascribed 189
in the chancellor's rules adopted under this section. 190

(2) "Alien" means a person who is not a United States 191
citizen or a United States national. 192

(3) "Immigrant" means an alien who has been granted the 193
right by the United States bureau of citizenship and immigration 194
services to reside permanently in the United States and to work 195
without restrictions in the United States. 196

(4) "Nonimmigrant" means an alien who has been granted the 197
right by the United States bureau of citizenship and immigration 198
services to reside temporarily in the United States. 199

(5) "Veteran" means any person who has completed service 200
in the uniformed services, as defined in section 3511.01 of the 201
Revised Code. 202

(6) "Service member" has the same meaning as in section 203
5903.01 of the Revised Code. 204

Section 2. That existing sections 307.6910 and 3333.31 of 205
the Revised Code are hereby repealed. 206