

As Reported by the House Higher Education Committee

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Am. H. B. No. 16

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

A BILL

To amend section 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. 1
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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: 5
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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 7
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any of the legal connotations appurtenant thereto. Rather, 16
except as provided in divisions (B), (C), (D), and ~~(E)~~-(F) of 17
this section, for such purposes, the rule promulgated under this 18
section shall have the objective of excluding from treatment as 19
residents those who are present in the state primarily for the 20
purpose of attending a state-supported or state-assisted 21
institution of higher education, and may prescribe presumptive 22
rules, rebuttable or conclusive, as to such purpose based upon 23
the source or sources of support of the student, residence prior 24
to first enrollment, evidence of intention to remain in the 25
state after completion of studies, or such other factors as the 26
chancellor deems relevant. 27

(B) The rules of the chancellor for determining student 28
residency shall grant residency status to a veteran and to the 29
veteran's spouse and any dependent of the veteran, if both of 30
the following conditions are met: 31

(1) The veteran either: 32

(a) Served one or more years on active military duty and 33
was honorably discharged or received a medical discharge that 34
was related to the military service; 35

(b) Was killed while serving on active military duty or 36
has been declared to be missing in action or a prisoner of war. 37

(2) If the veteran seeks residency status for tuition 38
surcharge purposes, the veteran has established domicile in this 39
state as of the first day of a term of enrollment in an 40
institution of higher education. If the spouse or a dependent of 41
the veteran seeks residency status for tuition surcharge 42
purposes, the veteran and the spouse or dependent seeking 43
residency status have established domicile in this state as of 44

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

(C) The rules of the chancellor for determining student 52
residency shall grant residency status to both of the following: 53

(1) A veteran who is the recipient of federal veterans' 54
benefits under the "All-Volunteer Force Educational Assistance 55
Program," 38 U.S.C. 3001 et seq., or "Post-9/11 Veterans 56
Educational Assistance Program," 38 U.S.C. 3301 et seq., or any 57
successor program, if the veteran meets all of the following 58
criteria: 59

(a) The veteran served at least ninety days on active 60
duty. 61

(b) The veteran enrolls in a state institution of higher 62
education, as defined in section 3345.011 of the Revised Code. 63

(c) The veteran lives in the state as of the first day of 64
a term of enrollment in the state institution of higher 65
education. 66

(2) A person who is the recipient of the federal Marine 67
Gunnery Sergeant John David Fry scholarship or transferred 68
federal veterans' benefits under any of the programs described 69
in division (C)(1) of this section, if the person meets both of 70
the following criteria: 71

(a) The person enrolls in a state institution of higher 72
education. 73

(b) The person lives in the state as of the first day of a 74
term of enrollment in the state institution of higher education. 75

In order for a person using transferred federal veterans' 76
benefits to qualify under division (C) (2) of this section, the 77
veteran who transferred the benefits must have served at least 78
ninety days on active duty or the service member who transferred 79
the benefits must be on active duty. 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 require the student seeking in-state 86
tuition rates to live in the state as of the first day of a term 87
of enrollment in the state institution of higher education, but 88
shall not require the service member or the service member's 89
spouse or dependent to establish domicile in this state as of 90
the first day of a term of enrollment in a institution of higher 91
education. 92

(E) The rules of the chancellor for determining student 93
residency shall not deny residency status to a student who is 94
either a dependent child of a parent, or the spouse of a person 95
who, as of the first day of a term of enrollment in an 96
institution of higher education, has accepted full-time 97
employment and established domicile in this state for reasons 98
other than gaining the benefit of favorable tuition rates. 99

Documentation of full-time employment and domicile shall 100
include both of the following documents: 101

(1) A sworn statement from the employer or the employer's 102

representative on the letterhead of the employer or the 103
employer's representative certifying that the parent or spouse 104
of the student is employed full-time in Ohio; 105

(2) A copy of the lease under which the parent or spouse 106
is the lessee and occupant of rented residential property in the 107
state, a copy of the closing statement on residential real 108
property of which the parent or spouse is the owner and occupant 109
in this state or, if the parent or spouse is not the lessee or 110
owner of the residence in which the parent or spouse has 111
established domicile, a letter from the owner of the residence 112
certifying that the parent or spouse resides at that residence. 113

Residency officers may also evaluate, in accordance with the 114
chancellor's rule, requests for immediate residency status from 115
dependent students whose parents are not living and whose 116
domicile follows that of a legal guardian who has accepted full- 117
time employment and established domicile in the state for 118
reasons other than gaining the benefit of favorable tuition 119
rates. 120

~~(E)~~ (F) (1) The rules of the chancellor for determining 121
student residency shall grant residency status to a person who, 122
while a resident of this state for state subsidy and tuition 123
surcharge purposes, graduated from a high school in this state 124
or completed the final year of instruction at home as authorized 125
under section 3321.04 of the Revised Code, if the person enrolls 126
in an institution of higher education and establishes domicile 127
in this state, regardless of the student's residence prior to 128
that enrollment. 129

(2) The rules of the chancellor for determining student 130
residency shall not grant residency status to an alien if the 131
alien is not also an immigrant or a nonimmigrant. 132

(F) -(G) As used in this section:	133
(1) "Dependent," "domicile," "institution of higher education," and "residency officer" have the meanings ascribed in the chancellor's rules adopted under this section.	134 135 136
(2) "Alien" means a person who is not a United States citizen or a United States national.	137 138
(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.	139 140 141 142
(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.	143 144 145
(5) "Veteran" means any person who has completed service in the uniformed services, as defined in section 3511.01 of the Revised Code.	146 147 148
(6) "Service member" has the same meaning as in section 5903.01 of the Revised Code.	149 150
Section 2. That existing section 3333.31 of the Revised Code is hereby repealed.	151 152