

**As Passed by the House**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**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, 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 section 3333.31 of the Revised Code to 1  
grant residency status for in-state college 2  
tuition to active duty military service members 3  
and their spouses and dependents. 4

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

**Section 1.** That section 3333.31 of the Revised Code be 5  
amended to read as follows: 6

**Sec. 3333.31.** (A) For state subsidy and tuition surcharge 7  
purposes, status as a resident of Ohio shall be defined by the 8  
chancellor of higher education by rule promulgated pursuant to 9  
Chapter 119. of the Revised Code. No adjudication as to the 10  
status of any person under such rule, however, shall be required 11

to be made pursuant to Chapter 119. of the Revised Code. The 12  
term "resident" for these purposes shall not be equated with the 13  
definition of that term as it is employed elsewhere under the 14  
laws of this state and other states, and shall not carry with it 15  
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 134  
education," and "residency officer" have the meanings ascribed 135  
in the chancellor's rules adopted under this section. 136

(2) "Alien" means a person who is not a United States 137  
citizen or a United States national. 138

(3) "Immigrant" means an alien who has been granted the 139  
right by the United States bureau of citizenship and immigration 140  
services to reside permanently in the United States and to work 141  
without restrictions in the United States. 142

(4) "Nonimmigrant" means an alien who has been granted the 143  
right by the United States bureau of citizenship and immigration 144  
services to reside temporarily in the United States. 145

(5) "Veteran" means any person who has completed service 146  
in the uniformed services, as defined in section 3511.01 of the 147  
Revised Code. 148

(6) "Service member" has the same meaning as in section 149  
5903.01 of the Revised Code. 150

**Section 2.** That existing section 3333.31 of the Revised 151  
Code is hereby repealed. 152