

As Introduced

**130th General Assembly
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H. B. No. 254

Representatives Lynch, Retherford

**Cosponsors: Representatives Beck, Becker, Brenner, Buchy, Hood,
Roegner, Thompson**

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A B I L L

To amend section 3333.31 of the Revised Code to 1
prohibit state institutions of higher education 2
from providing in-state residency status to 3
undocumented aliens. 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 the Ohio board of regents by rule promulgated 9
pursuant to Chapter 119. of the Revised Code. No adjudication as 10
to the status of any person under such rule, however, shall be 11
required to be made pursuant to Chapter 119. of the Revised Code. 12
The term "resident" for these purposes shall not be equated with 13
the 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, except 16
as provided in divisions (B) and (D) of this section, for such 17
purposes, the rule promulgated under this section shall have the 18

objective of excluding from treatment as residents those who are 19
present in the state primarily for the purpose of attending a 20
state-supported or state-assisted institution of higher education, 21
and may prescribe presumptive rules, rebuttable or conclusive, as 22
to such purpose based upon the source or sources of support of the 23
student, residence prior to first enrollment, evidence of 24
intention to remain in the state after completion of studies, or 25
such other factors as the chancellor deems relevant. 26

The rule shall not grant residency status to any person who 27
is not a United States citizen or a United States national and who 28
has not been granted the right by the United States bureau of 29
citizenship and immigration services to reside permanently in the 30
United States and to work without restrictions in the United 31
States. 32

(B) The rules of the chancellor for determining student 33
residency shall grant residency status to a veteran and to the 34
veteran's spouse and any dependent of the veteran, if both of the 35
following conditions are met: 36

(1) The veteran either: 37

(a) Served one or more years on active military duty and was 38
honorably discharged or received a medical discharge that was 39
related to the military service; 40

(b) Was killed while serving on active military duty or has 41
been declared to be missing in action or a prisoner of war. 42

(2) If the veteran seeks residency status for tuition 43
surcharge purposes, the veteran has established domicile in this 44
state as of the first day of a term of enrollment in an 45
institution of higher education. If the spouse or a dependent of 46
the veteran seeks residency status for tuition surcharge purposes, 47
the veteran and the spouse or dependent seeking residency status 48
have established domicile in this state as of the first day of a 49

term of enrollment in an institution of higher education, except 50
that if the veteran was killed while serving on active military 51
duty, has been declared to be missing in action or a prisoner of 52
war, or is deceased after discharge, only the spouse or dependent 53
seeking residency status shall be required to have established 54
domicile in accordance with this division. 55

(C) The rules of the chancellor for determining student 56
residency shall not deny residency status to a student who is 57
either a dependent child of a parent, or the spouse of a person 58
who, as of the first day of a term of enrollment in an institution 59
of higher education, has accepted full-time employment and 60
established domicile in this state for reasons other than gaining 61
the benefit of favorable tuition rates. 62

Documentation of full-time employment and domicile shall 63
include both of the following documents: 64

(1) A sworn statement from the employer or the employer's 65
representative on the letterhead of the employer or the employer's 66
representative certifying that the parent or spouse of the student 67
is employed full-time in Ohio; 68

(2) A copy of the lease under which the parent or spouse is 69
the lessee and occupant of rented residential property in the 70
state, a copy of the closing statement on residential real 71
property of which the parent or spouse is the owner and occupant 72
in this state or, if the parent or spouse is not the lessee or 73
owner of the residence in which the parent or spouse has 74
established domicile, a letter from the owner of the residence 75
certifying that the parent or spouse resides at that residence. 76

Residency officers may also evaluate, in accordance with the 77
chancellor's rule, requests for immediate residency status from 78
dependent students whose parents are not living and whose domicile 79
follows that of a legal guardian who has accepted full-time 80

employment and established domicile in the state for reasons other than gaining the benefit of favorable tuition rates. 81
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(D)(1) The rules of the chancellor for determining student residency shall grant residency status to a person who, while a resident of this state for state subsidy and tuition surcharge purposes, graduated from a high school in this state or completed the final year of instruction at home as authorized under section 3321.04 of the Revised Code, if the person enrolls in an institution of higher education and establishes domicile in this state, regardless of the student's residence prior to that enrollment. 83
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(2) The rules of the chancellor for determining student residency shall not grant residency status to an alien if the alien is not also an immigrant or a nonimmigrant. 92
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(E) As used in this section: 95

(1) "Dependent," "domicile," "institution of higher education," and "residency officer" have the meanings ascribed in the chancellor's rules adopted under this section. 96
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(2) "Alien" means a person who is not a United States citizen or a United States national. 99
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(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. 101
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(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. 105
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Section 2. That existing section 3333.31 of the Revised Code is hereby repealed. 108
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