

**As Introduced**

**130th General Assembly  
Regular Session  
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**H. B. No. 449**

**Representative Gonzales**

**Cosponsors: Representatives Bishoff, Fedor, Grossman, Hackett, Hill, Hood,  
Stebelton, Wachtmann**

**—**

**A B I L L**

To amend section 3333.31 and to enact section 1  
3333.311 of the Revised Code with respect to 2  
residency status for certain veterans, spouses, 3  
and dependents at state institutions of higher 4  
education. 5

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

**Section 1.** That section 3333.31 be amended and section 6  
3333.311 of the Revised Code be enacted to read as follows: 7

**Sec. 3333.31.** (A) For state subsidy and tuition surcharge 8  
purposes, status as a resident of Ohio shall be defined by the 9  
chancellor of the Ohio board of regents by rule promulgated 10  
pursuant to Chapter 119. of the Revised Code. No adjudication as 11  
to the status of any person under such rule, however, shall be 12  
required to be made pursuant to Chapter 119. of the Revised Code. 13  
The term "resident" for these purposes shall not be equated with 14  
the definition of that term as it is employed elsewhere under the 15  
laws of this state and other states, and shall not carry with it 16  
any of the legal connotations appurtenant thereto. Rather, except 17  
as provided in divisions (B) and (D) of this section, for such 18

purposes, the rule promulgated under this section shall have the 19  
objective of excluding from treatment as residents those who are 20  
present in the state primarily for the purpose of attending a 21  
state-supported or state-assisted institution of higher education, 22  
and may prescribe presumptive rules, rebuttable or conclusive, as 23  
to such purpose based upon the source or sources of support of the 24  
student, residence prior to first enrollment, evidence of 25  
intention to remain in the state after completion of studies, or 26  
such other factors as the 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 the~~ 30  
~~following conditions are met:~~ 31

~~(1) The the veteran either:~~ 32

~~(a)(1) Served one or more years on active military duty and 33  
was honorably discharged or received a medical discharge that was 34  
related to the military service; 35~~

~~(b)(2) 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 purposes, 42  
the veteran and the spouse or dependent seeking residency status 43  
have established domicile in this state as of the first day of a 44  
term of enrollment in an institution of higher education, except 45  
that if the veteran was killed while serving on active military 46  
duty, has been declared to be missing in action or a prisoner of 47  
war, or is deceased after discharge, only the spouse or dependent 48  
seeking residency status shall be required to have established 49~~

~~domicile in accordance with this division.~~ 50

(C) The rules of the chancellor for determining student 51  
residency shall not deny residency status to a student who is 52  
either a dependent child of a parent, or the spouse of a person 53  
who, as of the first day of a term of enrollment in an institution 54  
of higher education, has accepted full-time employment and 55  
established domicile in this state for reasons other than gaining 56  
the benefit of favorable tuition rates. 57

Documentation of full-time employment and domicile shall 58  
include both of the following documents: 59

(1) A sworn statement from the employer or the employer's 60  
representative on the letterhead of the employer or the employer's 61  
representative certifying that the parent or spouse of the student 62  
is employed full-time in Ohio; 63

(2) A copy of the lease under which the parent or spouse is 64  
the lessee and occupant of rented residential property in the 65  
state, a copy of the closing statement on residential real 66  
property of which the parent or spouse is the owner and occupant 67  
in this state or, if the parent or spouse is not the lessee or 68  
owner of the residence in which the parent or spouse has 69  
established domicile, a letter from the owner of the residence 70  
certifying that the parent or spouse resides at that residence. 71

Residency officers may also evaluate, in accordance with the 72  
chancellor's rule, requests for immediate residency status from 73  
dependent students whose parents are not living and whose domicile 74  
follows that of a legal guardian who has accepted full-time 75  
employment and established domicile in the state for reasons other 76  
than gaining the benefit of favorable tuition rates. 77

(D)(1) The rules of the chancellor for determining student 78  
residency shall grant residency status to a person who, while a 79  
resident of this state for state subsidy and tuition surcharge 80

purposes, graduated from a high school in this state or completed 81  
the final year of instruction at home as authorized under section 82  
3321.04 of the Revised Code, if the person enrolls in an 83  
institution of higher education and establishes domicile in this 84  
state, regardless of the student's residence prior to that 85  
enrollment. 86

(2) The rules of the chancellor for determining student 87  
residency shall not grant residency status to an alien if the 88  
alien is not also an immigrant or a nonimmigrant. 89

(E) As used in this section: 90

(1) "Dependent," "domicile," "institution of higher 91  
education," and "residency officer" have the meanings ascribed in 92  
the chancellor's rules adopted under this section. 93

(2) "Alien" means a person who is not a United States citizen 94  
or a United States national. 95

(3) "Immigrant" means an alien who has been granted the right 96  
by the United States bureau of citizenship and immigration 97  
services to reside permanently in the United States and to work 98  
without restrictions in the United States. 99

(4) "Nonimmigrant" means an alien who has been granted the 100  
right by the United States bureau of citizenship and immigration 101  
services to reside temporarily in the United States. 102

Sec. 3333.311. (A) For the purpose of admission to any state 103  
institution of higher education, as defined in section 3345.011 of 104  
the Revised Code, a veteran and that veteran's spouse and 105  
dependent shall be considered residents of this state, if the 106  
veteran either: 107

(1) Served one or more years on active military duty and was 108  
honorably discharged or received a medical discharge that was 109  
related to the military service; 110

(2) Was killed while serving on active military duty or has 111  
been declared to be missing in action or a prisoner of war. 112

(B) If a veteran or that veteran's spouse or dependent meets 113  
the criteria prescribed in division (A) of this section, no state 114  
institution of higher education shall apply any residency-related 115  
quotas or restrictions to that individual's application for 116  
admission to the institution. 117

(C) The term "resident" for the purposes of this section 118  
shall not be equated with the definition of that term as it is 119  
employed elsewhere under the laws of this state and other states, 120  
and shall not carry with it any of the legal connotations 121  
appurtenant thereto. 122

**Section 2.** That existing section 3333.31 of the Revised Code 123  
is hereby repealed. 124