



Ohio Legislative Service Commission

Bill Analysis

Hannah K. Wann

H.B. 449

130th General Assembly
(As Introduced)

Reps. Gonzales, Bishoff, Fedor, Grossman, Hackett, Hill, Hood, Stebelton, Wachtmann

BILL SUMMARY

- Removes the requirement that a qualifying veteran or the veteran's spouse or dependent establish domicile in Ohio to qualify for in-state tuition rates at state institutions of higher education.
- Prohibits state institutions of higher education from applying residency-related admissions limits for a qualifying veteran or the veteran's spouse or dependent.

CONTENT AND OPERATION

In-state tuition for veterans, spouses, and dependents

The bill removes the requirement under current law that a veteran, or the veteran's spouse or dependent, must establish domicile in the state as of the first day of a term of enrollment in a state institution of higher education in order to have residency status for purposes of qualifying for in-state tuition at the institution. The bill retains the requirement that that veteran either (1) served one or more years of active military duty and was honorably discharged or received a service-related medical discharge or (2) was killed while serving on active military duty or has been declared to be missing in action or a prisoner of war, in order for the veteran, spouse, or dependent to qualify for in-state tuition. Thus, under the bill, a qualifying veteran or veteran's spouse or dependent could receive in-state tuition rates at a state institution of higher education without establishing domicile in the state.¹ The rules of the Chancellor of the Board of Regents describe a person's domicile as "a person's permanent place of abode so long as the person has the legal ability under federal and state law to reside permanently at that

¹ R.C. 3333.31(B).

abode. For the purpose of this rule, only one domicile may be maintained at a given time."²

Admission of a veteran, spouse, or dependent

The bill prohibits state institutions of higher education from applying any residency-related quota or restriction to the admission application of a qualified veteran or veteran's spouse or dependent. As with the requirements for in-state tuition (described above), this provision applies if the veteran either (1) served one or more years of active military duty and was honorably discharged or received a service-related medical discharge or (2) been killed while serving on active military duty or declared to be missing in action or a prisoner of war.³ Under the bill, when a qualified veteran, or the veteran's spouse or dependent, who lives in another state applies for admission to a state institution of higher education, that institution must consider that applicant as if that applicant were a resident of the state. Therefore, any limit an institution may have on accepting out-of-state applicants could not apply to the veteran, or the veteran's spouse or dependent. That applicant would receive the same consideration the state institution of higher education would give to an in-state applicant.

Background

Statutory law requires the Chancellor of the Board of Regents to adopt a rule that defines residency for tuition purposes. The statute requires that the rule must "have the objective of excluding from treatment as residents those who are present in the state primarily for the purpose of attending a state-supported or state-assisted institution of higher education." In general, the Chancellor's rule considers a person to be an Ohio "resident" if the person maintains a 12-month place of residence in Ohio, meets residency requirements to vote and receive public assistance in Ohio, and is liable to the Ohio income tax.⁴ There are several exceptions to these requirements, both statutory and by the Chancellor's rules. One of those exceptions is for a veteran, or spouse or dependent of a veteran under certain conditions as discussed above.

² Ohio Administrative Code (O.A.C.) 3333-1-10(B)(4).

³ R.C. 3333.311.

⁴ R.C. 3333.31(A).



HISTORY

ACTION

DATE

Introduced

02-18-14

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