



Ohio Legislative Service Commission

Bill Analysis

Amber Hardesty

Sub. H.B. 449*

130th General Assembly

(As Reported by S. State Government Oversight and Reform)

Reps. Gonzales, Bishoff, Fedor, Grossman, Hackett, Hill, Hood, Stebelton, Wachtmann, Brenner, Amstutz, Baker, Beck, Blessing, Boose, Brown, Buchy, Budish, Burkley, Cera, Conditt, Curtin, Damschroder, Dovilla, Duffey, Gerberry, Green, Hall, Hayes, Heard, Hottinger, Huffman, Johnson, Kunze, Landis, Letson, Lundy, Lynch, Maag, Mallory, McClain, McGregor, Milkovich, Patterson, Perales, Phillips, Pillich, Rogers, Romanchuk, Rosenberger, Ruhl, Sears, Sheehy, Slaby, Slesnick, Smith, Sprague, Stautberg, Stinziano, Strahorn, Sykes, Terhar, Thompson, Young, Batchelder

BILL SUMMARY

- Prohibits state institutions of higher education from applying residency-related admissions limits for a qualifying veteran or the veteran's spouse or dependent.
- Authorizes the Governor to convey certain parcels of real estate held for the use and benefit of The Ohio State University.
- Declares an emergency.

CONTENT AND OPERATION

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. 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) was killed while serving on active military duty or declared to be missing in action or a prisoner of war.¹ Under the bill, when a

* This analysis was prepared before the report of the Senate State Government Oversight and Reform appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

¹ R.C. 3333.311.

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.² There are several exceptions to these requirements, both statutory and by the Chancellor's rules.

OSU land conveyance

The bill authorizes the Governor to convey certain parcels of real estate that have been held for the use and benefit of The Ohio State University. Specifically, the bill authorizes the Governor to execute a deed in the name of the state conveying to one or more purchasers, and the purchaser or purchaser's heirs and assigns or successors and assigns, all of the state's right, title, and interest in any or all of certain specified parcels of real estate.

The bill includes legal descriptions for the properties to be conveyed, and also authorizes the legal descriptions to be adjusted to accommodate any corrections necessary to facilitate recordation of the deeds.³

The authorization in the bill to convey the real estate expires three years after it becomes effective.

The bill specifies the following conditions and considerations for the authorized land conveyance:

² R.C. 3333.31(A), not in the bill; see also Ohio Administrative Code 3333-1-10.

³ Section 2.



- The parcels may be transferred individually, as a group, as multiple groups to a single purchaser, or to multiple purchasers.
- The real estate must be conveyed subject to all easements, covenants, conditions, and restrictions of record; all legal highways and public rights-of-way; zoning, building, and other laws, ordinances, restrictions, and regulations; and real estate taxes and assessments not yet due and payable.
- The conveyance of the real estate must include the buildings, parking areas, improvements, and fixtures now situated on the real estate, and are to be conveyed in "as-is, where is, with all faults" condition.
- Consideration for conveyance of the real estate must be a purchase price and any terms and conditions acceptable to the Board of Trustees of The Ohio State University.
- The costs of the closing and conveyance must be paid by The Ohio State University and any purchaser pursuant to the negotiated purchase contract.
- The net proceeds of the sale of the real estate must be paid to The Ohio State University, and must be deposited into university accounts for purposes to be determined by the Board of Trustees.
- Each deed to the real estate must contain any exceptions, reservations, or conditions and any right of reentry or reverter specified in the resolution adopted by the Board of Trustees of The Ohio State University. Any exceptions, reservations, or conditions or any right of reentry or reverter contained in any deed may be released by The Ohio State University without the necessity of further legislation, provided the release is specifically authorized by the Board of Trustees.

Finally, upon adoption of a resolution by the Board of Trustees of The Ohio State University specifically identifying the parcel or parcels of real estate to be conveyed or transferred, the purchaser or purchasers, and the consideration paid or to be paid the bill requires the Auditor of State, with the assistance of the Attorney General, to prepare a deed or deeds to the real estate. The deed or deeds must state the consideration specified in the resolution. The deed or deeds must be executed by the Governor in the name of the state, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in the Office of the Auditor of State for recording, and delivered to



the purchaser or purchasers. The purchaser or purchasers must present the deed for recording in the office of the county recorder where each parcel of real estate is located.

HISTORY

ACTION	DATE
Introduced	02-18-14
Reported, H. Education	05-19-14
Passed House (95-0)	06-03-14
Reported, S. State Gov't Oversight & Reform	---

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