

1 ENGROSSED HOUSE AMENDMENT  
TO  
2 ENGROSSED SENATE BILL NO. 138 By: Brooks of the Senate  
3 and  
4 Hardin of the House  
5  
6

7 An Act relating to higher education; amending Section  
8 1, Chapter 290, O.S.L. 2012 (70 O.S. Supp. 2014,  
9 Section 3247), which relates to in-state status for  
10 dependents of military personnel; providing criteria  
11 for in-state status for military personnel, their  
12 dependent children, and their spouses; modifying  
13 eligibility criteria for in-state status; providing  
14 criteria for in-state status for students who file  
15 certain letter of intent; establishing criteria for  
16 maintaining certain eligibility; directing  
17 promulgation of rules; repealing Section 1, Chapter  
18 168, O.S.L. 2014 (70 O.S. Supp. 2014, Section  
19 3242.3), which relates to eligibility for certain  
20 resident tuition; providing an effective date; and  
21 declaring an emergency.

22 AUTHOR: Add the following House Coauthor: McDaniel (Randy)

23 AMENDMENT NO. 1. Strike the title, enacting clause and entire bill  
24 and insert

25 "An Act relating to higher education; amending  
26 Section 1, Chapter 290, O.S.L. 2012 (70 O.S. Supp.  
27 2014, Section 3247), which relates to in-state  
28 status for dependents of military personnel;  
29 providing criteria for in-state status for military  
30 personnel and their dependent children and spouses;  
31 modifying eligibility criteria for in-state status;

1 providing criteria for in-state status for students  
2 who file certain letter of intent; establishing  
3 criteria for maintaining certain eligibility;  
4 directing the Oklahoma State Regents for Higher  
5 Education to develop policies and procedures;  
6 repealing Section 1, Chapter 168, O.S.L. 2014 (70  
7 O.S. Supp. 2014, Section 3242.3), which relates to  
8 eligibility for certain resident tuition; providing  
9 an effective date; and declaring an emergency.

10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

11 SECTION 1. AMENDATORY Section 1, Chapter 290, O.S.L.  
12 2012 (70 O.S. Supp. 2014, Section 3247), is amended to read as  
13 follows:

14 Section 3247. A. A student shall be eligible for in-state  
15 status regardless of the residency of the student if the student is  
16 ~~the dependent child of a:~~

17 1. ~~Person~~ Dependent child or spouse of a person currently  
18 serving as a member of the active uniformed ~~military~~ services of the  
19 United States on full-time active duty status of more than thirty  
20 (30) days and for whom Oklahoma is the home of record; ~~or~~

21 2. ~~Person~~ Dependent child or spouse of a person currently  
22 serving as a member of the military reserve on active duty orders of  
23 more than thirty (30) days and for whom Oklahoma is the home of  
24 record;

25 3. Person, or spouse or dependent child of a person, currently  
26 serving as a member of the uniformed services of the United States

1 who is on full-time active duty for a period of more than thirty  
2 (30) days and is stationed or temporarily present in Oklahoma  
3 through military orders;

4 4. Person, or spouse or dependent child of a person, who was  
5 discharged or released from a period of not fewer than ninety (90)  
6 days of active uniformed service, less than five (5) years before  
7 the date of enrollment in the course(s) concerned and for whom  
8 Oklahoma is the home of record; or

9 5. Person who is participating in or has received a partial or  
10 full scholarship from the Air Force Reserve Officers' Training  
11 Corps, Army Reserve Officers' Training Corps or the Navy/Marines  
12 Reserve Officers' Training Corps.

13 B. To be eligible for ~~resident tuition~~ in-state status as  
14 provided for in subsection A of this section and to maintain  
15 eligibility, the student shall:

16 1. Satisfy admission and retention standards as determined by  
17 the Oklahoma State Regents for Higher Education for ~~the appropriate~~  
18 ~~type of institution~~ an institution within The Oklahoma State System  
19 of Higher Education; and

20 2. Have secured admission to and ~~enrolled in a~~ enrolls full-  
21 time or part-time in a program of study at an institution within The  
22 Oklahoma State System of Higher Education;

23 ~~3. Be enrolled in a program of study leading to an associate or~~  
24 ~~a baccalaureate degree; and~~

1 ~~4. Be continuously enrolled in a program of study at an~~  
2 ~~institution within The Oklahoma State System of Higher Education.~~

3 C. A student who ~~meets the requirements of this section shall~~  
4 ~~continue to be classified as in-state status for as long as they~~  
5 ~~remain continuously enrolled in a program of study at an institution~~  
6 ~~within The Oklahoma State System of Higher Education~~ files with the  
7 institution within The Oklahoma State System of Higher Education at  
8 which the student intends to register a letter of intent to  
9 establish residence in the state and who resides in the state while  
10 enrolled in the institution shall be eligible for in-state status,  
11 regardless of the residency of the student or home of record, if the  
12 student:

13 1. Is a person who:

14 a. was discharged or released from a period of not fewer  
15 than ninety (90) days of active duty uniformed  
16 service, less than five (5) years before the date of  
17 enrollment in the course(s) concerned, and

18 b. is pursuing a course of education with educational  
19 assistance under Chapter 30 or 33 of Title 38 of the  
20 United States Code while living in this state; or

21 2. Is a person who:

22 a. is entitled to assistance under Section 3311(b)(9) or  
23 3319 of Title 38 of the United States Code by virtue  
24 of a relationship to a person who was discharged or

1 released from a period of not fewer than ninety (90)  
2 days of active duty uniformed services, and

3 b. enrolls in the course(s) concerned within five (5)  
4 years of the date the related person was discharged or  
5 released from a period of not fewer than ninety (90)  
6 days of active duty uniformed services.

7 ~~D. A student who meets the requirements of this section shall~~  
8 ~~continue to be classified as in-state status even after the person~~  
9 ~~who was serving on active duty has been discharged or released under~~  
10 ~~conditions other than dishonorable as long as the student remains~~  
11 ~~continuously enrolled in a program of study at an institution within~~  
12 ~~The Oklahoma State System of Higher Education~~ To be eligible for in-  
13 state status as provided for in subsection C of this section and to  
14 maintain eligibility, the student shall:

15 1. Satisfy admission and retention standards as determined by  
16 the Oklahoma State Regents for Higher Education for an institution  
17 within The Oklahoma State System of Higher Education; and

18 2. Have secured admission to and enrolls full-time or part-time  
19 in a program of study at an institution within The Oklahoma State  
20 System of Higher Education.

21 E. A student who meets the eligibility requirements for in-  
22 state status shall maintain in-state status if the student remains  
23 continuously enrolled at an institution within The Oklahoma State  
24 System of Higher Education after the student:

1        1. As described in paragraphs 1, 2 or 3 of subsection A of this  
2 section is discharged or released from active duty service;

3        2. As described in paragraph 4 of subsection A of this section  
4 or paragraph 1 and 2 of subsection C of this section exceeds the  
5 five-year period after being discharged or released from active duty  
6 uniformed service;

7        3. As described in paragraph 1 of subsection C of this section  
8 has exhausted education assistance provided under Chapter 30 or 33  
9 of Title 38 of the United States Code; or

10       4. As described in paragraph 2 of subsection C of this section  
11 has exhausted education assistance provided under Section 3311(b) (9)  
12 or 3319 of Title 38 of the United States Code.

13       ~~E.~~ F. For purposes of this section, "home of record" means the  
14 place where one was living when the person enlisted or was  
15 commissioned into the military or reenlisted in the military.

16       G. The State Regents for Higher Education shall develop  
17 policies and procedures necessary to implement the provisions of  
18 this section.

19       SECTION 2.        REPEALER        Section 1, Chapter 168, O.S.L. 2014  
20 (70 O.S. Supp. 2014, Section 3242.3), is hereby repealed.

21       SECTION 3. This act shall become effective July 1, 2015.

22       SECTION 4. It being immediately necessary for the preservation  
23 of the public peace, health and safety, an emergency is hereby  
24



1 ENGROSSED SENATE  
2 BILL NO. 138

By: Brooks of the Senate

and

Hardin of the House

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6 An Act relating to higher education; amending Section  
7 1, Chapter 290, O.S.L. 2012 (70 O.S. Supp. 2014,  
8 Section 3247), which relates to in-state status for  
9 dependents of military personnel; providing criteria  
10 for in-state status for military personnel, their  
11 dependent children, and their spouses; modifying  
12 eligibility criteria for in-state status; providing  
13 criteria for in-state status for students who file  
14 certain letter of intent; establishing criteria for  
15 maintaining certain eligibility; directing  
16 promulgation of rules; repealing Section 1, Chapter  
17 168, O.S.L. 2014 (70 O.S. Supp. 2014, Section  
18 3242.3), which relates to eligibility for certain  
19 resident tuition; providing an effective date; and  
20 declaring an emergency.

21 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

22 SECTION 5. AMENDATORY Section 1, Chapter 290, O.S.L.  
23 2012 (70 O.S. Supp. 2014, Section 3247), is amended to read as  
24 follows:

Section 3247. A. A student shall be eligible for in-state  
status regardless of the residency of the student if the student is  
~~the dependent child of a:~~

1. ~~Person~~ Dependent child or spouse of a person currently  
serving as a member of the active uniformed ~~military~~ services of the



1 United States on full-time active duty status of more than thirty  
2 (30) days and for whom Oklahoma is the home of record; ~~or~~

3 2. Person Dependent child or spouse of a person currently  
4 serving as a member of the military reserve on active duty orders of  
5 more than thirty (30) days and for whom Oklahoma is the home of  
6 record;

7 3. Person, or spouse or dependent child of a person, currently  
8 serving as a member of the uniformed services of the United States  
9 who is on full-time active duty for a period of more than thirty  
10 (30) days and is stationed in Oklahoma or temporarily present  
11 through military orders;

12 4. Person, or spouse or dependent child of a person, who was  
13 discharged or released from a period of not fewer than ninety (90)  
14 days of active uniformed service, less than five (5) years before  
15 the date of enrollment in the course(s) concerned and for whom  
16 Oklahoma is the home of record; or

17 5. Person who is participating in or has received a partial or  
18 full scholarship from the Air Force Reserve Officers' Training  
19 Corps, Army Reserve Officers' Training Corps or the Navy/Marines  
20 Reserve Officers' Training Corps.

21 B. To be eligible for ~~resident tuition~~ in-state status as  
22 provided for in subsection A of this section and to maintain  
23 eligibility, the student shall:

24

1           1. Satisfy admission and retention standards as determined by  
2 the Oklahoma State Regents for Higher Education for ~~the appropriate~~  
3 ~~type of institution~~ an institution within The Oklahoma State System  
4 of Higher Education; and

5           2. Have secured admission to and ~~enrolled in a~~ enroll full-time  
6 or part-time in a program of study at an institution within The  
7 Oklahoma State System of Higher Education;

8           ~~3. Be enrolled in a program of study leading to an associate or~~  
9 ~~a baccalaureate degree; and~~

10           ~~4. Be continuously enrolled in a program of study at an~~  
11 ~~institution within The Oklahoma State System of Higher Education.~~

12           C. A student who ~~meets the requirements of this section shall~~  
13 ~~continue to be classified as in-state status for as long as they~~  
14 ~~remain continuously enrolled in a program of study at an institution~~  
15 ~~within The Oklahoma State System of Higher Education~~ files with the  
16 institution within The Oklahoma State System of Higher Education, at  
17 which the student intends to register, a letter of intent to  
18 establish residence in the state and reside in the state while  
19 enrolled in the institution shall be eligible for in-state status,  
20 regardless of the residency of the student or home of record, if the  
21 individual:

22           1. Was discharged or released from a period of not fewer than  
23 ninety (90) days of active duty uniformed service, less than five  
24

1 (5) years before the date of enrollment in the course(s) concerned;  
2 and

3 2. Is pursuing a course of education with educational  
4 assistance under Chapter 30 or 33 of Title 38, United States Code,  
5 while living in the state; or

6 3. Is entitled to assistance under Section 3311(b)(9) or 3319  
7 of Title 38, United States Code, by virtue of a relationship to an  
8 eligible individual as described in paragraph 1 of this subsection.

9 ~~D. A student who meets the requirements of this section shall~~  
10 ~~continue to be classified as in-state status even after the person~~  
11 ~~who was serving on active duty has been discharged or released under~~  
12 ~~conditions other than dishonorable as long as the student remains~~  
13 ~~continuously enrolled in a program of study at an institution within~~  
14 ~~The Oklahoma State System of Higher Education~~ To be eligible for in-  
15 state status as provided for in subsection C of this section and to  
16 maintain eligibility, the student shall:

17 1. Satisfy admission and retention standards as determined by  
18 the Oklahoma State Regents for Higher Education for an institution  
19 within The Oklahoma State System of Higher Education; and

20 2. Have secured admission to and enroll full-time or part-time  
21 in a program of study at an institution within The Oklahoma State  
22 System of Higher Education.

23 E. A student who meets the eligibility requirements for in-  
24 state status shall maintain in-state status if the student remains

1 continuously enrolled at an institution within The Oklahoma State  
2 System of Higher Education when:

3 1. A person described in paragraphs 1, 2, or 3 of subsection A  
4 of this section was discharged or released from active duty service;

5 2. A person described in paragraph 4 of subsection A of this  
6 section or paragraph 1 of subsection C of this section exceeds the  
7 five-year period after the individual is discharged or released from  
8 active duty uniformed service; or

9 3. A person described in paragraph 2 or 3 of subsection C of  
10 this section exhausted education assistance provided under Chapter  
11 30 or 33 of Title 38, United States Code, or under Section  
12 3311(b) (9) or 3319 of Title 38, United States Code.

13 ~~E.~~ F. For purposes of this section, "home of record" means the  
14 place where one was living when the person enlisted or was  
15 commissioned into the military or reenlisted in the military.

16 G. The State Regents for Higher Education shall promulgate  
17 rules necessary to implement the provisions of this section.

18 SECTION 6. REPEALER Section 1, Chapter 168, O.S.L. 2014  
19 (70 O.S. Supp. 2014, Section 3242.3), is hereby repealed.

20 SECTION 7. This act shall become effective July 1, 2015.

21 SECTION 8. It being immediately necessary for the preservation  
22 of the public peace, health and safety, an emergency is hereby  
23 declared to exist, by reason whereof this act shall take effect and  
24 be in full force from and after its passage and approval.

1 Passed the Senate the 11th day of March, 2015.

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3 \_\_\_\_\_  
4 Presiding Officer of the Senate

5 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
6 2015.

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8 \_\_\_\_\_  
9 Presiding Officer of the House  
10 of Representatives