

**Second Regular Session
Sixty-third General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 02-0370.01 Nicole Hoffman

SENATE BILL 02-033

SENATE SPONSORSHIP

Dyer

HOUSE SPONSORSHIP

(None)

Senate Committees

Education

House Committees

A BILL FOR AN ACT

101 **CONCERNING STATE-FUNDED SCHOLARSHIPS FOR MEMBERS OF THE**
102 **COLORADO NATIONAL GUARD.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Directs the Colorado commission on higher education to include members of the Colorado national guard when awarding scholarships based upon financial need, merit, talent, or other criteria to students enrolled at Colorado universities.

Allows any member of the Colorado national guard who is pursuing an undergraduate or graduate degree and who qualifies to receive tuition assistance from the department of military affairs to apply for a scholarship from the Colorado commission on higher education on

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

the basis of his or her service in the national guard. Specifies that tuition assistance shall only be granted to members of the national guard who are classified as in-state students for tuition purposes.

States that, subject to the availability of funds, the Colorado commission on higher education shall pay up to 100% of the cost of tuition for any member of the national guard who applies for a scholarship. Such scholarship shall be awarded from the Colorado national guard tuition fund and may be awarded from the moneys available to the commission to award scholarships and grants. Specifies the process for awarding scholarships if moneys are insufficient to award full scholarships to every applicant.

Directs the department of military affairs, in cooperation with the Colorado commission on higher education, to promulgate rules for the determination and recommendation to the commission of members who shall receive tuition assistance.

Requires the department of military affairs and the Colorado commission on higher education to submit a joint report to the general assembly evaluating the tuition assistance program no later than a specified date.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) Maintaining a strong, well-trained, and high-spirited national
5 guard is crucial for the health, safety, and well-being of the citizens of
6 Colorado;

7 (b) Currently, the Colorado national guard is experiencing a
8 decrease in enrollment and an increase in vacant positions that may leave
9 the citizens of Colorado vulnerable in the event of a civil emergency;

10 (c) Encouraging membership in the Colorado national guard by
11 granting free tuition at certain institutions of higher education
12 simultaneously expresses a commitment to the maintenance of the
13 national guard and to the safety of the citizens of Colorado; and

14 (d) The funds allocated to the Colorado national guard tuition

1 fund for the purpose of granting tuition assistance to members of the
2 Colorado national guard are insufficient to guarantee that every member
3 who wishes to pursue a higher education shall have up to one hundred
4 percent of the cost of tuition paid for by the department of military
5 affairs.

6 (2) The general assembly further finds and declares that:

7 (a) Serving the citizens of Colorado through membership in the
8 Colorado national guard is a meritorious activity that warrants recognition
9 and respect from the citizens of Colorado; and

10 (b) Guaranteeing state-funded scholarships to members of the
11 national guard who are pursuing studies at certain institutions of higher
12 education will encourage enlistments, enhance the knowledge and skills
13 of the national guard, retain membership in the national guard, and ensure
14 that the national guard is well equipped to serve the citizens of Colorado.

15 **SECTION 2.** 23-3.3-501, Colorado Revised Statutes, is amended
16 to read:

17 **23-3.3-501. Scholarship and grant program - funding.** The
18 commission shall use a portion of any moneys remaining after meeting
19 the requirements of parts 2 and 3 of this article to provide other programs
20 of financial assistance INCLUDING, BUT NOT LIMITED TO, TUITION
21 ASSISTANCE FOR MEMBERS OF THE COLORADO NATIONAL GUARD
22 PURSUANT TO SECTION 23-5-111.4, based upon financial need, merit,
23 talent, or other criteria established by the commission for students
24 enrolled at institutions.

25 **SECTION 3.** 23-5-111.4 (1), (2) (a), (2) (c), (3), (4), (5), and (6),
26 the introductory portion to 23-5-111.4 (7), and 23-5-111.4 (7) (b) and (9),
27 Colorado Revised Statutes, are amended, and the said 23-5-111.4 is

1 further amended BY THE ADDITION OF THE FOLLOWING NEW
2 SUBSECTIONS, to read:

3 **23-5-111.4. Tuition for members of the Colorado national**
4 **guard.** (1) The general assembly recognizes its responsibility for the
5 establishment and maintenance of a strong well-trained and high-spirited
6 national guard. The encouragement of membership in the guard through
7 the granting of reduced or free tuition at certain institutions of
8 postsecondary education simultaneously expresses a commitment to a
9 part of this responsibility and supports existing institutions, carrying out
10 a policy of maintaining reasonable access to quality education as broadly
11 in this state as possible. The general assembly hereby finds and declares
12 that SERVING THE CITIZENS OF COLORADO THROUGH MEMBERSHIP IN THE
13 COLORADO NATIONAL GUARD IS A MERITORIOUS ACTIVITY THAT
14 WARRANTS RECOGNITION AND RESPECT FROM THE CITIZENS OF THE STATE
15 OF COLORADO. THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES
16 THAT the establishment of a tuition assistance program will encourage
17 enlistments, enhance the knowledge and skills of the national guard, and
18 retain membership in the national guard.

19 (2) (a) Any person who is a member of the Colorado national
20 guard AND WHO IS CLASSIFIED AS AN IN-STATE STUDENT FOR TUITION
21 PURPOSES PURSUANT TO SECTION 23-7-102 (5), upon being accepted for
22 enrollment at any designated institution of higher education, shall be
23 permitted to pursue studies leading toward a bachelor's degree, a
24 postgraduate degree, an associate degree, or a certificate of completion
25 with ~~at least fifty percent but not more than~~ UP TO one hundred percent of
26 the cost of tuition paid by the ~~department of military affairs~~ COLORADO
27 COMMISSION ON HIGHER EDUCATION. THE COMMISSION SHALL PAY THE

1 COST OF SUCH TUITION FROM THE COLORADO NATIONAL GUARD TUITION
2 FUND CREATED IN SUBSECTION (9) OF THIS SECTION AND MAY PAY THE
3 COST OF TUITION FROM THE MONEY AVAILABLE TO THE COMMISSION TO
4 AWARD SCHOLARSHIPS AND GRANTS PURSUANT TO SECTION 23-3.3-501, TO
5 THE EXTENT THAT THE MEMBER QUALIFIES UNDER EXISTING GUIDELINES
6 AND subject to available appropriations. ~~for~~ THE COMMISSION SHALL PAY
7 THE COST OF SUCH TUITION so long as such person remains a member of
8 the Colorado national guard, but such tuition payments shall not be made
9 for more than one hundred thirty-two semester hours or one hundred
10 ninety-eight quarter hours or for more than eight years.

11 ~~(c) In providing the tuition assistance to members pursuant to~~
12 ~~paragraph (a) of this subsection (2), the department of military affairs is~~
13 ~~encouraged to consider providing assistance on a priority basis to~~
14 ~~newly-enlisted members in their first term of service and who enlist in~~
15 ~~those military specialties that are experiencing shortages as determined~~
16 ~~by the department.~~

17 (3) For the purposes of this section, "designated institution of
18 higher education" means the university of southern Colorado, Adams
19 state college, Mesa state college, Metropolitan state college of Denver,
20 Fort Lewis college, Western state college of Colorado, all independent
21 area vocational schools, all local district colleges, the university of
22 northern Colorado, the university of Colorado at Boulder, the university
23 of Colorado at Denver, the university of Colorado at Colorado Springs,
24 Colorado state university, the Colorado school of mines, the university of
25 Colorado health sciences center, ~~and~~ all community colleges governed by
26 the state board for community colleges and occupational education, AND
27 ANY OTHER INSTITUTION DESIGNATED BY THE COLORADO COMMISSION ON

1 HIGHER EDUCATION. Tuition assistance at the university of Colorado
2 health sciences center shall be based on the amount of in-state tuition for
3 general studies at the university of Colorado at Boulder.

4 (4) ~~IF THE COLORADO COMMISSION ON HIGHER EDUCATION SHALL~~
5 ~~NOT GRANT TUITION ASSISTANCE TO any member of the Colorado national~~
6 ~~guard WHO is accepted for enrollment at any designated institution of~~
7 ~~higher education and such member BUT has not been classified as an~~
8 ~~in-state student for tuition purposes pursuant to article 7 of this title. the~~
9 ~~amount paid by the department of military affairs to the designated~~
10 ~~institution of higher education pursuant to subsection (2) of this section~~
11 ~~shall be based on the amount of in-state tuition for that institution.~~

12 (4.5) THE DEPARTMENT OF MILITARY AFFAIRS SHALL DETERMINE,
13 PURSUANT TO THE CRITERIA ESTABLISHED IN THIS SECTION, THE MEMBERS
14 OF THE COLORADO NATIONAL GUARD WHO ARE ELIGIBLE FOR TUITION
15 ASSISTANCE BASED UPON THEIR MERIT AS MEMBERS OF THE NATIONAL
16 GUARD. THE DEPARTMENT SHALL RECOMMEND TO THE COLORADO
17 COMMISSION ON HIGHER EDUCATION THE MEMBERS WHO HAVE BEEN
18 APPROVED TO RECEIVE SUCH TUITION ASSISTANCE, AND THE COMMISSION
19 SHALL AWARD A FULL SCHOLARSHIP, TO THE EXTENT THAT MONEYS ARE
20 AVAILABLE IN THE COLORADO NATIONAL GUARD TUITION FUND CREATED
21 IN SUBSECTION (9) OF THIS SECTION, TO EVERY MEMBER APPROVED AND
22 RECOMMENDED BY THE DEPARTMENT; EXCEPT THAT THE AMOUNT OF
23 TUITION ASSISTANCE AWARDED TO ANY MEMBER PURSUING A
24 POSTGRADUATE DEGREE AT A DESIGNATED INSTITUTION OF HIGHER
25 EDUCATION SHALL NOT EXCEED THE AMOUNT OF TUITION ASSISTANCE
26 THAT IS AWARDED TO MEMBERS PURSUING UNDERGRADUATE DEGREES AT
27 THE SAME INSTITUTION. SUCH SCHOLARSHIP SHALL BE AWARDED FROM

1 THE MONEYS IN THE COLORADO NATIONAL GUARD TUITION FUND AND MAY
2 BE AWARDED FROM THE MONEYS AVAILABLE TO THE COMMISSION TO
3 AWARD SCHOLARSHIPS AND GRANTS PURSUANT TO SECTION 23-3.3-501.
4 THE DEPARTMENT SHALL BE RESPONSIBLE FOR ENSURING THAT MEMBERS
5 RECEIVING TUITION ASSISTANCE FROM THE COMMISSION ARE IN
6 COMPLIANCE WITH ANY REQUIREMENTS AND CRITERIA ESTABLISHED IN
7 THIS SECTION.

8 (5) Each individual member of the Colorado national guard
9 receiving tuition assistance as provided in this section shall obtain
10 certification from the designated institution of higher education attesting
11 to his current satisfactory academic standing at such designated institution
12 of higher education, as determined by rules and regulations established
13 pursuant to subsection (7) of this section, and present such certificate to
14 the department of military affairs at the time of enrollment for each
15 semester or quarter for which tuition assistance is requested. ~~No tuition~~
16 ~~assistance shall be granted~~ THE DEPARTMENT SHALL NOT APPROVE OR
17 RECOMMEND TUITION ASSISTANCE FOR ANY MEMBER PURSUANT TO
18 SUBSECTION (4.5) OF THIS SECTION without such certification.

19 (6) Any person who fails to serve the required one-year period in
20 the Colorado national guard for each semester of tuition assistance
21 granted, in violation of such person's agreement under subsection (2) of
22 this section, shall be required to repay to the ~~department of military~~
23 ~~affairs~~ COLORADO COMMISSION ON HIGHER EDUCATION the tuition
24 assistance granted for each such year and any and all collection fees
25 incurred by the ~~department of military affairs~~ COMMISSION. Any such
26 repayment of tuition assistance shall be credited to the Colorado national
27 guard tuition fund created in subsection (9) of this section.

1 (7) The department of military affairs, IN COOPERATION WITH THE
2 COLORADO COMMISSION OF HIGHER EDUCATION, shall promulgate rules
3 for the ~~administration of~~ DETERMINATION AND RECOMMENDATION TO THE
4 COMMISSION OF MEMBERS WHO SHALL RECEIVE tuition assistance as
5 provided in this section, including, but not limited to, the following:

6 (b) Procedures to be followed by designated institutions of higher
7 education in reporting the member's academic standing ~~and in providing~~
8 ~~timely billing~~ to the department of military affairs AND IN PROVIDING
9 TIMELY BILLING TO THE COLORADO COMMISSION ON HIGHER EDUCATION;

10 (9) (a) There is hereby created in the state treasury the Colorado
11 national guard tuition fund which shall be administered by the department
12 of military affairs AND DISTRIBUTED BY THE COLORADO COMMISSION ON
13 HIGHER EDUCATION and which shall consist of all moneys ~~which~~ THAT
14 may be appropriated thereto by the general assembly or ~~which~~ THAT may
15 be otherwise made available to it by the general assembly. Moneys
16 "otherwise made available" shall include any repayment of tuition
17 assistance made pursuant to subsection (6) of this section. The moneys
18 in the fund are hereby continuously appropriated for the payment of
19 tuition assistance as provided in this section. Any moneys not expended
20 at the end of the fiscal year shall remain in the fund and shall not be
21 transferred to or revert to the general fund of the state.

22 (b) An audit of the Colorado national guard tuition fund shall be
23 made during the ~~department of military affairs~~ COLORADO COMMISSION
24 ON HIGHER EDUCATION postaudit pursuant to section 2-3-103, C.R.S.

25 (10) IN THE EVENT THAT THE MONEYS AVAILABLE TO THE
26 COLORADO COMMISSION ON HIGHER EDUCATION THROUGH THE COLORADO
27 NATIONAL GUARD TUITION FUND AND SECTION 23-3.3-501 ARE

1 INSUFFICIENT TO GRANT A FULL SCHOLARSHIP TO EVERY MEMBER WHO HAS
2 BEEN APPROVED AND RECOMMENDED FOR RECEIPT OF SUCH SCHOLARSHIP
3 BY THE DEPARTMENT OF MILITARY AFFAIRS PURSUANT TO THIS SECTION,
4 THE AVAILABLE MONEYS SHALL BE DISTRIBUTED TO ALL APPROVED
5 MEMBERS OF THE COLORADO NATIONAL GUARD IN A MANNER TO BE
6 DETERMINED BY THE COMMISSION.

7 (11) NO LATER THAN SEPTEMBER 1, 2007, THE DEPARTMENT OF
8 MILITARY AFFAIRS AND THE COLORADO COMMISSION ON HIGHER
9 EDUCATION SHALL SUBMIT A JOINT REPORT TO THE SENATE GOVERNMENT,
10 VETERANS AND MILITARY RELATIONS, AND TRANSPORTATION AND THE
11 HOUSE STATE, VETERANS, AND MILITARY AFFAIRS COMMITTEES OF THE
12 GENERAL ASSEMBLY. THE REPORT SHALL CONTAIN AN EVALUATION OF
13 THE COLORADO NATIONAL GUARD TUITION ASSISTANCE PROGRAM AND
14 SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO:

15 (a) THE NUMBER OF MEMBERS OF THE COLORADO NATIONAL
16 GUARD WHO HAVE RECEIVED TUITION ASSISTANCE FROM THE COLORADO
17 COMMISSION ON HIGHER EDUCATION THROUGH THE COLORADO NATIONAL
18 GUARD TUITION ASSISTANCE PROGRAM;

19 (b) THE NUMBER OF MEMBERS WHO HAVE NOT FULFILLED THEIR
20 OBLIGATION TO SERVE IN THE COLORADO NATIONAL GUARD AFTER
21 RECEIVING TUITION ASSISTANCE PURSUANT TO SUBPARAGRAPH (IV) OF
22 PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION; AND

23 (c) A RECOMMENDATION CONCERNING THE CONTINUANCE OF THE
24 COLORADO NATIONAL GUARD TUITION ASSISTANCE PROGRAM.

25 **SECTION 4. Effective date.** This act shall take effect at 12:01
26 a.m. on the day following the expiration of the ninety-day period after
27 final adjournment of the general assembly that is allowed for submitting

1 a referendum petition pursuant to article V, section 1 (3) of the state
2 constitution; except that, if a referendum petition is filed against this act
3 or an item, section, or part of this act within such period, then the act,
4 item, section, or part, if approved by the people, shall take effect on the
5 date of the official declaration of the vote thereon by proclamation of the
6 governor.