

Second Regular Session  
Sixty-fourth General Assembly  
STATE OF COLORADO

**REENGROSSED**

*This Version Includes All Amendments  
Adopted in the House of Introduction*

LLS NO. 04-0263.01 Jerry Barry

**HOUSE BILL 04-1006**

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**HOUSE SPONSORSHIP**

**Hefley**

**SENATE SPONSORSHIP**

**McElhany**

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**House Committees**

Education  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE CLASSIFICATION OF A DEPENDENT OF A MEMBER OF**  
102 **THE ARMED FORCES FOR PURPOSES OF DETERMINING TUITION**  
103 **AT PUBLIC INSTITUTIONS OF HIGHER EDUCATION.**

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**Bill Summary**

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

Specifies that a dependent of a member of the armed forces of the United States on active duty:

Who enrolls in a Colorado public college within 12 months after graduating from a Colorado high school is eligible for in-state tuition; and

Who is continually enrolled in college in Colorado does not lose the dependent's status as an in-state student if the

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.*

HOUSE  
3rd Reading Unamended  
February 11, 2004

HOUSE  
Amended 2nd Reading  
February 10, 2004

member is later transferred outside of Colorado.

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

2           **SECTION 1.** 23-7-103 (1) (c) (I), Colorado Revised Statutes, is  
3 amended to read:

4           **23-7-103. Presumptions and rules for determination of status.**

5 (1) Unless the contrary appears to the satisfaction of the registering  
6 authority of the institution at which a student is registering, it shall be  
7 presumed that:

8           (c) (I) A person does not gain or lose in-state status by reason of  
9 his OR HER presence in any state or country while a member of the armed  
10 forces of the United States; but a member of the armed forces may be  
11 eligible to obtain in-state status for ~~himself~~ THE MEMBER after being  
12 domiciled in Colorado for twelve continuous months and complying with  
13 the provisions of this article or, notwithstanding the length of his OR HER  
14 residency, upon moving to Colorado on a permanent change-of-station  
15 basis; except that such in-state status shall not be considered in  
16 determining limitations on maximum enrollment placed on institutions of  
17 higher education in Colorado and such in-state status shall not apply to  
18 members of the armed forces of the United States who attend education  
19 programs on military bases and such in-state status shall also be subject  
20 to the limitations in subparagraph (II) of this paragraph (c). A member  
21 of the armed forces may also apply for in-state tuition classification for  
22 ~~ANY OF his or her dependent~~ DEPENDENTS, INCLUDING BUT NOT LIMITED  
23 ~~TO A SPOUSE, upon meeting the requirements of this section.~~ ■ ■  
24 AFTER QUALIFYING AS AN IN-STATE STUDENT AND WHILE CONTINUOUSLY  
25 ENROLLED AS AN UNDERGRADUATE OR GRADUATE STUDENT AT AN

1 INSTITUTION OF HIGHER EDUCATION IN COLORADO, A DEPENDENT OF A  
2 MEMBER OF THE ARMED FORCES OF THE UNITED STATES ON ACTIVE DUTY  
3 SHALL NOT LOSE THE DEPENDENT'S IN-STATE TUITION STATUS IF THE  
4 MEMBER IS TRANSFERRED OUTSIDE OF COLORADO. A PERSON WHO IS A  
5 DEPENDENT OF A MEMBER OF THE ARMED FORCES OF THE UNITED STATES  
6 WHO WAS ON ACTIVE DUTY IN COLORADO DURING THE PERSON'S LAST  
7 YEAR OF HIGH SCHOOL, AND WHO ATTENDS A PUBLIC INSTITUTION OF  
8 HIGHER EDUCATION IN COLORADO WITHIN TWELVE MONTHS AFTER  
9 GRADUATING FROM A HIGH SCHOOL IN COLORADO, SHALL BE ELIGIBLE FOR  
10 IN-STATE TUITION; EXCEPT THAT SUCH A PERSON IS NOT ELIGIBLE FOR  
11 IN-STATE TUITION UNDER THIS PROVISION IF THE PERSON HAS ATTENDED  
12 AN INSTITUTION OF HIGHER EDUCATION OUTSIDE OF COLORADO.

13           **SECTION 2. Applicability.** This act shall apply to dependents  
14 of members of the armed forces of the United States on active duty who  
15 graduate from high school or who are classified as in-state students on or  
16 after the effective date of this act.

17           **SECTION 3. Safety clause.** The general assembly hereby finds,  
18 determines, and declares that this act is necessary for the immediate  
19 preservation of the public peace, health, and safety.