

**First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 09-0472.01 Jane Ritter

HOUSE BILL 09-1039

HOUSE SPONSORSHIP

McNulty,

SENATE SPONSORSHIP

Kopp,

House Committees

State, Veterans, & Military Affairs
Appropriations

Senate Committees

State, Veterans & Military Affairs
Appropriations

A BILL FOR AN ACT

101 **CONCERNING IN-STATE TUITION CLASSIFICATION FOR HONORABLY**
102 **DISCHARGED MILITARY VETERANS, AND MAKING AN**
103 **APPROPRIATION THEREFOR.**

Bill Summary

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

Grants honorably discharged members of the armed forces, and their dependents, in-state tuition status.

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

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
April 7, 2009

HOUSE
Amended 2nd Reading
April 6, 2009

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

3 **23-7-103. Presumptions and rules for determination of status.**

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

7 (c) (I) (C) A member of the armed forces may apply for in-state
8 tuition classification for any of his or her dependents, including but not
9 limited to a spouse, upon meeting the requirements of this section. After
10 qualifying as an in-state student and while continuously enrolled as an
11 undergraduate or graduate student at an institution of higher education in
12 Colorado, ~~a dependent of a member of the armed forces of the United~~
13 States on active duty, OR THE MEMBER'S SPOUSE OR DEPENDENT, shall not
14 lose ~~the dependent's~~ HIS OR HER ELIGIBILITY FOR in-state tuition status if
15 the member is transferred outside of Colorado OR IF THE MEMBER RETIRES
16 OR SEPARATES FROM THE MILITARY AND REMAINS IN COLORADO. A
17 person who is a dependent of a member of the armed forces of the United
18 States who was on active duty in Colorado during the person's last year
19 of high school, and who attends a public institution of higher education
20 in Colorado within twelve months after graduating from a high school in
21 Colorado, shall be eligible for in-state tuition, AND THE ELIGIBILITY SHALL
22 NOT BE AFFECTED IF THE MEMBER IS TRANSFERRED OUTSIDE OF COLORADO
23 OR IF THE MEMBER RETIRES OR SEPARATES FROM THE MILITARY AND
24 REMAINS IN COLORADO; except that such a person is not eligible for
25 in-state tuition under this provision if the person has attended an
26 institution of higher education outside of Colorado.

27 **SECTION 2.** Article 7 of title 23, Colorado Revised Statutes, is

1 amended BY THE ADDITION OF A NEW SECTION to read:

2 **23-7-108.5. Tuition classification of armed forces veterans.**

3 (1) NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE TO THE
4 CONTRARY, AN HONORABLY DISCHARGED MEMBER OF THE ARMED FORCES
5 OF THE UNITED STATES WHO MAINTAINS HIS OR HER SOLE RESIDENCE IN
6 COLORADO AND WHO ENROLLS IN A STATE INSTITUTION OF HIGHER
7 EDUCATION IN THIS STATE, OR A DEPENDENT OF SAID HONORABLY
8 DISCHARGED MEMBER OF THE ARMED FORCES WHO ENROLLS IN A STATE
9 INSTITUTION OF HIGHER EDUCATION IN THIS STATE, MAY RECEIVE IN-STATE
10 TUITION STATUS. SAID HONORABLY DISCHARGED MEMBER OF THE ARMED
11 FORCES MAY RECEIVE IN-STATE TUITION STATUS REGARDLESS OF
12 WHETHER HE OR SHE IS ELIGIBLE FOR OR IS RECEIVING TUITION ASSISTANCE
13 PURSUANT TO SECTION 23-5-111.4.

14 (2) A STUDENT WHO IS CLASSIFIED AS AN IN-STATE STUDENT
15 SOLELY PURSUANT TO THIS SECTION SHALL NOT BE COUNTED AS A
16 RESIDENT FOR ANY PURPOSE OTHER THAN TUITION CLASSIFICATION,
17 INCLUDING BUT NOT LIMITED TO ELIGIBILITY TO RECEIVE A STIPEND FROM
18 THE COLLEGE OPPORTUNITY FUND PURSUANT TO PART 2 OF ARTICLE 18 OF
19 THIS TITLE.

20 **SECTION 3. Adjustment to the 2009 long bill.** For the
21 implementation of this act, appropriations made in the annual general
22 appropriation act for the fiscal year beginning July 1, 2009, shall be
23 adjusted as follows:

24 (1) The appropriation from the general fund to the department of
25 higher education, college opportunity fund program, for stipends for
26 students attending state-operated institutions of higher education, is
27 decreased by two million eight hundred fifty-nine thousand three hundred

1 sixty dollars (\$2,859,360), based on a projected decrease in the
2 stipend-eligible population of 1,036 student full-time equivalents as a
3 result of the implementation of this bill.

4 (2) The appropriation from reappropriated funds to the department
5 of higher education, governing boards, is decreased by two million eight
6 hundred fifty-nine thousand three hundred sixty dollars (\$2,859,360),
7 based on a projected decrease in the stipend-eligible population of 1,036
8 student full-time equivalents as a result of the implementation of this bill.

9 **SECTION 4. Act subject to petition - effective date.** This act
10 shall take effect at 12:01 a.m. on the day following the expiration of the
11 ninety-day period after final adjournment of the general assembly that is
12 allowed for submitting a referendum petition pursuant to article V,
13 section 1 (3) of the state constitution, (August 4, 2009, if adjournment
14 sine die is on May 6, 2009); except that, if a referendum petition is filed
15 against this act or an item, section, or part of this act within such period,
16 then the act, item, section, or part, if approved by the people, shall take
17 effect on the date of the official declaration of the vote thereon by
18 proclamation of the governor.