

**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**

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**HOUSE SPONSORSHIP**

**McNulty,**

**SENATE SPONSORSHIP**

**Kopp,**

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**House Committees**

State, Veterans, & Military Affairs  
Appropriations

**Senate Committees**

State, Veterans & Military Affairs  
Appropriations

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**A BILL FOR AN ACT**

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

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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.)*

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

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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.