

**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) (a) NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE TO THE  
4 CONTRARY, BEGINNING WITH THE FALL SEMESTER OF THE 2009-2010  
5 ACADEMIC YEAR, THE GOVERNING BOARD OF EACH STATE INSTITUTION OF  
6 HIGHER EDUCATION IN COLORADO SHALL ADOPT A POLICY THAT GRANTS  
7 IN-STATE TUITION STATUS TO AN HONORABLY DISCHARGED MEMBER OF  
8 THE ARMED FORCES OF THE UNITED STATES WHO ENROLLS IN SAID STATE  
9 INSTITUTION OF HIGHER EDUCATION AND WHO MEETS, FOR ANY LENGTH OF  
10 TIME, THE PRESUMPTIONS AND RULES FOR MAINTAINING A DOMICILE IN  
11 COLORADO DESCRIBED IN SECTION 23-7-103.

12 (b) NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE TO THE  
13 CONTRARY, BEGINNING WITH THE FALL SEMESTER OF THE 2009-2010  
14 ACADEMIC YEAR, THE GOVERNING BOARD OF EACH STATE INSTITUTION OF  
15 HIGHER EDUCATION IN COLORADO MAY ADOPT A POLICY THAT GRANTS  
16 IN-STATE TUITION STATUS TO A DEPENDENT OF AN HONORABLY  
17 DISCHARGED MEMBER OF THE ARMED FORCES OF THE UNITED STATES WHO  
18 ENROLLS IN SAID STATE INSTITUTION OF HIGHER EDUCATION IF THE SAID  
19 HONORABLY DISCHARGED MEMBER OF THE ARMED FORCES MEETS, FOR  
20 ANY LENGTH OF TIME, THE PRESUMPTIONS AND RULES FOR MAINTAINING  
21 A DOMICILE IN COLORADO DESCRIBED IN SECTION 23-7-103.

22 (2) A STUDENT WHO IS CLASSIFIED AS AN IN-STATE STUDENT  
23 SOLELY PURSUANT TO THIS SECTION SHALL NOT BE COUNTED AS A  
24 RESIDENT FOR ANY PURPOSE OTHER THAN TUITION CLASSIFICATION;  
25 EXCEPT THAT, BEGINNING WITH THE FALL SEMESTER OF THE 2011-2012  
26 ACADEMIC YEAR, UPON SUCH CLASSIFICATION AS AN IN-STATE STUDENT  
27 PURSUANT TO THIS SECTION, THE STUDENT SHALL ALSO BE ELIGIBLE TO

1 RECEIVE A STIPEND FROM THE COLLEGE OPPORTUNITY FUND PURSUANT TO  
2 PART 2 OF ARTICLE 18 OF THIS TITLE.

3 **SECTION 3. Adjustment to the 2009 long bill.** For the  
4 implementation of this act, cash fund appropriations made in the annual  
5 general appropriation act for the fiscal year beginning July 1, 2009, from  
6 the students' share of tuition, to the department of higher education,  
7 governing boards, shall be reduced as follows:

8 (1) for the trustees of adams state college thirty-eight thousand  
9 three hundred seventy dollars (\$38,370);

10 (2) for the trustees of mesa state college, seventy thousand one  
11 hundred eighty-four dollars (\$70,184);

12 (3) for the trustees of metropolitan state college of Denver, sixty  
13 thousand nine hundred fifty-six dollars (\$60,956);

14 (4) for the trustees of western state college, eight thousand nine  
15 hundred seventy-six dollars (\$8,976);

16 (5) for the trustees of fort lewis college, one hundred ninety-seven  
17 thousand fifty-six dollars (\$197,056);

18 (6) for the board of governors of the Colorado state university  
19 system, seven hundred twenty-one thousand nine hundred ninety-three  
20 dollars (\$721,993);

21 (7) for the board of regents of the university of Colorado, seven  
22 hundred twenty-six thousand ninety-seven dollars (\$726,097);

23 (8) for the trustees of the Colorado school of mines, forty-two  
24 thousand twenty-four dollars (\$42,024); and,

25 (9) for the state board of community colleges and occupational  
26 education state system community colleges, ten thousand eight hundred  
27 fifty-six dollars (\$10,856). \_\_\_\_\_

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