

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

**REVISED**

*This Version Includes All Amendments Adopted  
on Second Reading in the Second House*

LLS NO. 13-0679.01 Jerry Barry x4341

**HOUSE BILL 13-1194**

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**A BILL FOR AN ACT**

101     **CONCERNING IN-STATE STUDENT CLASSIFICATION FOR DEPENDANTS OF**  
102             **MEMBERS OF THE ARMED FORCES, AND, IN CONNECTION**  
103             **THEREWITH, MAKING AN APPROPRIATION.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

Current law authorizes a dependant of a service member to receive in-state tuition at a Colorado public institution of higher education (Colorado college) if the service member was stationed in Colorado during the dependant's last year of high school and the dependant enrolled

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.*

SENATE  
Amended 2nd Reading  
April 26, 2013

HOUSE  
3rd Reading Unamended  
March 18, 2013

HOUSE  
Amended 2nd Reading  
March 15, 2013

in a Colorado college within 12 months after graduating from a high school in Colorado. The bill extends in-state tuition to all dependants, including spouses, of service members.

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

**SECTION 1.** In Colorado Revised Statutes, 23-7-103, **amend** (1) (c) (I) (C); and **add** (1) (c) (I) (D) as follows:

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

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

(c) (I) (C) A DEPENDENT OF A member of the armed forces ~~may apply~~ IS ELIGIBLE for in-state tuition classification ~~for any of his or her dependents, including but not limited to a spouse, upon meeting the requirements of this section~~ WHEN THE MEMBER MOVES TO COLORADO ON A PERMANENT CHANGE-OF-STATION BASIS, REGARDLESS OF THE LENGTH OF THE MEMBER'S OR DEPENDENT'S RESIDENCY IN COLORADO. After qualifying as an in-state student, ~~and while continuously enrolled as an undergraduate or graduate student at an institution of higher education in Colorado;~~ a member of the armed forces of the United States on active duty, or the member's ~~spouse or~~ dependent, shall not lose his or her eligibility for in-state tuition status ~~if the member is transferred outside of Colorado or if the member retires or separates from the military. and remains in Colorado. A person who is a dependent of a member of the armed forces of the United States who was on active duty in Colorado during the person's last year of high school, and who attends a public institution of higher education in Colorado within twelve months after graduating from a high school in Colorado, shall be eligible for in-state~~

1 ~~tuition, and the eligibility shall not be affected if the member is~~  
2 ~~transferred outside of Colorado or if the member retires or separates from~~  
3 ~~the military and remains in Colorado; except that such a person is not~~  
4 ~~eligible for in-state tuition under this provision if the person has attended~~  
5 ~~an institution of higher education outside of Colorado. AS USED IN THIS~~  
6 ~~SUB-SUBPARAGRAPH (C), "DEPENDENT" MEANS A SPOUSE OF A MEMBER OF~~  
7 ~~THE ARMED SERVICES WHO WAS THE MEMBER'S SPOUSE AT THE TIME THAT~~  
8 ~~THE MEMBER WAS STATIONED IN COLORADO AND AT THE TIME THE SPOUSE~~  
9 ~~IS REQUESTING IN-STATE TUITION CLASSIFICATION AND ANY CHILD UNDER~~  
10 ~~TWENTY-TWO YEARS OF AGE BORN TO OR LEGALLY ADOPTED BY THE~~  
11 ~~MEMBER OF THE ARMED FORCES WHO ENROLLS IN A PUBLIC INSTITUTION~~  
12 ~~OF HIGHER EDUCATION WITHIN TEN YEARS AFTER THE MEMBER WAS~~  
13 ~~STATIONED IN COLORADO.~~

14 (D) NOTHING IN THIS SUBPARAGRAPH (I) SHALL BE INTERPRETED  
15 TO DENY A PERSON IN-STATE TUITION CLASSIFICATION AFTER THAT  
16 PERSON IS FOUND ELIGIBLE FOR SUCH CLASSIFICATION NOR TO DENY  
17 IN-STATE TUITION CLASSIFICATION TO ANY PERSON WHO IS ELIGIBLE FOR  
18 SUCH CLASSIFICATION UNDER ANY OTHER PROVISION OF LAW.

19 ==  
20 **SECTION 2. Appropriation.** (1) In addition to any other  
21 appropriation, there is hereby appropriated, out of any moneys in the  
22 general fund not otherwise appropriated, to the department of higher  
23 education, for the fiscal year beginning July 1, 2013, the sum of \$22,621,  
24 or so much thereof as may be necessary, to be allocated for the  
25 implementation of this act as follows:

26 (a) \$3,421 for Colorado commission on higher education financial  
27 aid for need based grants; and

1           (b) \$19,200 for college opportunity fund program stipends for  
2           students attending state institutions.

3           (2) In addition to any other appropriation, there is hereby  
4           appropriated to the department of higher education, for the fiscal year  
5           beginning July 1, 2013, the sum of \$19,200 from reappropriated funds  
6           received from the appropriation made in paragraph (b) of subsection (1)  
7           of this section. Said sum, or so much thereof as may be necessary, is  
8           allocated for the implementation of this act as follows:

9 <u>trustees of Metropolitan state university of Denver</u>	<u>\$1,920</u>
10 <u>board of governors of the Colorado state university</u>	
11 <u>system</u>	<u>3,840</u>
12 <u>regents of the university of Colorado</u>	<u>3,840</u>
13 <u>university of Northern Colorado</u>	<u>1,920</u>
14 <u>state board for community colleges and occupational</u>	
15 <u>education state system community colleges</u>	<u>7,680</u>

16          (3) The general assembly anticipates that, for the fiscal year  
17          beginning July 1, 2013, the department of higher education will receive  
18          the sum of \$68,790 in student tuition for the implementation of this act.  
19          This amount is subject to the (I) notation as defined in the annual general  
20          appropriations act. Although these funds are not appropriated in this act,  
21          they are noted for the purpose of indicating the assumptions used relative  
22          to these funds. Said sum shall be allocated to the governing boards as  
23          follows:

24 <u>trustees of Metropolitan state university of Denver</u>	<u>\$5,571</u>
25 <u>board of governors of the Colorado state university</u>	
26 <u>system</u>	<u>17,422</u>
27 <u>regents of the university of Colorado</u>	<u>21,806</u>

1	<u>university of Northern Colorado</u>	<u>7,159</u>
2	<u>state board for community colleges and occupational</u>	
3	<u>education state system community colleges</u>	<u>16,832</u>
4	<b>SECTION 3. Safety clause.</b> The general assembly hereby finds,	
5	determines, and declares that this act is necessary for the immediate	
6	preservation of the public peace, health, and safety.	