

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

REENGROSSED

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

LLS NO. 01-0269.01 Nicole Hoffman

SENATE BILL 01-067

SENATE SPONSORSHIP

Dyer (Arapahoe), and Dyer (Durango)

HOUSE SPONSORSHIP

Stafford,

Senate Committees

Govt, Veterans & Military Relations, & Trans
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING STATE-FUNDED SCHOLARSHIPS BASED UPON MERIT FOR**
102 **MEMBERS OF THE COLORADO NATIONAL GUARD.**

Bill Summary

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

Directs the Colorado commission on higher education to give priority to members of the Colorado national guard when awarding scholarships based upon merit to students enrolled at Colorado universities.

Allows any member of the national guard who is pursuing an undergraduate degree and who qualifies to receive tuition assistance from the department of military affairs to apply for a scholarship from the Colorado commission on higher education on the basis of his or her

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
3rd Reading Unamended
May 7, 2001

SENATE
Amended 2nd Reading
May 4, 2001

service in the national guard. Subject to the availability of funds, guarantees any member of the national guard who applies for a merit-based scholarship a scholarship in an amount equal to the cost of the member's tuition minus the amount of any tuition assistance received from the department.

Specifies the process for awarding scholarships if moneys are insufficient to award scholarships to every applicant.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) Maintaining a strong, well-trained, and high-spirited national
5 guard is crucial for the health, safety, and well-being of the citizens of
6 Colorado;

7 (b) Currently, the Colorado national guard is experiencing a
8 decrease in enrollment and an increase in vacant positions that may leave
9 the citizens of Colorado vulnerable in the event of a civil emergency;

10 (c) Encouraging membership in the national guard by granting free
11 tuition at certain institutions of higher education simultaneously expresses
12 a commitment to the maintenance of the national guard and to the safety
13 of the citizens of Colorado; and

14 (d) The funds allocated to the Colorado national guard tuition fund
15 for the purpose of granting tuition assistance to members of the national
16 guard are insufficient to guarantee that every member who wishes to
17 pursue a higher education shall have one hundred percent of the cost of
18 tuition paid for by the department of military affairs.

19 (2) The general assembly further finds and declares that:

20 (a) Serving the citizens of Colorado through membership in the
21 Colorado national guard is a meritorious activity that warrants recognition
22 and respect from the citizens of Colorado; and

1 (b) Guaranteeing state-funded scholarships based upon merit to
2 members of the national guard who are pursuing studies _____ at certain
3 institutions of higher education will encourage enlistments, enhance the
4 knowledge and skills of the national guard, retain membership in the
5 national guard, and ensure that the national guard is well equipped to
6 serve the citizens of Colorado.

7 **SECTION 2.** 23-3.3-501, Colorado Revised Statutes, is amended
8 to read:

9 **23-3.3-501. Scholarship and grant program - funding.** ___ The
10 commission shall use a portion of any moneys remaining after meeting the
11 requirements of parts 2 and 3 of this article to provide TUITION
12 ASSISTANCE TO MEMBERS OF THE COLORADO NATIONAL GUARD PURSUANT
13 TO SECTION 23-5-111.4, AND other programs of financial assistance based
14 upon financial need, merit, talent, or other criteria established by the
15 commission for students enrolled at institutions.

16 _____
17 _____

18 **SECTION 3.** 23-5-111.4 (1), (2) (a), (2) (c), (3), (4), (5), (6), the
19 introductory portion to 23-5-111.4 (7), and 23-5-111.4 (7) (b) and (9),
20 Colorado Revised Statutes, are amended, and the said 23-5-111.4 is
21 further amended BY THE ADDITION OF THE FOLLOWING NEW
22 SUBSECTIONS, to read:

23 **23-5-111.4. Tuition for members of the national guard.** (1) The
24 general assembly recognizes its responsibility for the establishment and
25 maintenance of a strong well-trained and high-spirited national guard.
26 The encouragement of membership in the guard through the granting of
27 reduced or free tuition at certain institutions of postsecondary education

1 simultaneously expresses a commitment to a part of this responsibility and
2 supports existing institutions, carrying out a policy of maintaining
3 reasonable access to quality education as broadly in this state as possible.
4 The general assembly hereby finds and declares that SERVING THE
5 CITIZENS OF COLORADO THROUGH MEMBERSHIP IN THE COLORADO
6 NATIONAL GUARD IS A MERITORIOUS ACTIVITY THAT WARRANTS
7 RECOGNITION AND RESPECT FROM THE CITIZENS OF COLORADO. THE
8 GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT the
9 establishment of a ~~tuition assistance~~ program TO GRANT TUITION
10 ASSISTANCE TO MEMBERS OF THE NATIONAL GUARD BASED UPON SUCH
11 MERIT will encourage enlistments, enhance the knowledge and skills of the
12 national guard, and retain membership in the national guard.

13 (2) (a) Any person who is a member of the Colorado national
14 guard AND WHO IS CLASSIFIED AS AN IN-STATE STUDENT FOR TUITION
15 PURPOSES PURSUANT TO SECTION 23-7-102 (5), upon being accepted for
16 enrollment at any designated institution of higher education, shall be
17 permitted to pursue studies leading toward a bachelor's degree, a
18 postgraduate degree, an associate degree, or a certificate of completion
19 with at least fifty percent but not more than one hundred percent of the
20 cost of tuition paid by the ~~department of military affairs~~ COLORADO
21 COMMISSION ON HIGHER EDUCATION. THE COMMISSION SHALL PAY THE
22 COST OF SUCH TUITION FROM THE COLORADO NATIONAL GUARD TUITION
23 FUND CREATED IN SUBSECTION (9) OF THIS SECTION AND FROM THE MONEY
24 AVAILABLE TO THE COMMISSION TO AWARD SCHOLARSHIPS AND GRANTS
25 PURSUANT TO SECTION 23-3.3-501, subject to available appropriations, for
26 so long as such person remains a member of the Colorado national guard,
27 but such tuition payments shall not be made for more than one hundred

1 thirty-two semester hours or one hundred ninety-eight quarter hours or for
2 more than eight years.

3 (c) In providing the tuition assistance to members pursuant to
4 paragraph (a) of this subsection (2), the department of military affairs is
5 encouraged to consider providing assistance on a priority basis to
6 newly-enlisted members in their first term of service and who enlist in
7 those military specialties that are experiencing shortages as determined by
8 the department.

9 (3) For the purposes of this section, "designated institution of
10 higher education" means the university of southern Colorado, Adams state
11 college, Mesa state college, Metropolitan state college of Denver, Fort
12 Lewis college, Western state college of Colorado, all independent area
13 vocational schools, all local district colleges, the university of northern
14 Colorado, the university of Colorado at Boulder, the university of
15 Colorado at Denver, the university of Colorado at Colorado Springs,
16 Colorado state university, the Colorado school of mines, the university of
17 Colorado health sciences center, and all community colleges governed by
18 the state board for community colleges and occupational education, AND
19 ANY OTHER INSTITUTION DESIGNATED BY THE COLORADO COMMISSION ON
20 HIGHER EDUCATION. Tuition assistance at the university of Colorado
21 health sciences center shall be based on the amount of in-state tuition for
22 general studies at the university of Colorado at Boulder.

23 (4) If any member of the Colorado national guard is accepted for
24 enrollment at any designated institution of higher education and such
25 member has not been classified as an in-state student for tuition purposes
26 pursuant to article 7 of this title, the amount paid by the department of
27 military affairs to the designated institution of higher education pursuant

1 to subsection (2) of this section shall be based on the amount of in-state
2 tuition for that institution THE COLORADO COMMISSION ON HIGHER
3 EDUCATION SHALL NOT GRANT TUITION ASSISTANCE TO SUCH MEMBER.

4
5 (4.5) THE DEPARTMENT OF MILITARY AFFAIRS SHALL DETERMINE,
6 PURSUANT TO THE CRITERIA ESTABLISHED IN THIS SECTION, THE MEMBERS
7 OF THE COLORADO NATIONAL GUARD WHO ARE ELIGIBLE FOR TUITION
8 ASSISTANCE BASED UPON THEIR MERIT AS MEMBERS OF THE NATIONAL
9 GUARD. THE DEPARTMENT SHALL RECOMMEND TO THE COLORADO
10 COMMISSION ON HIGHER EDUCATION THE MEMBERS WHO HAVE BEEN
11 APPROVED TO RECEIVE SUCH TUITION ASSISTANCE, AND THE COMMISSION
12 SHALL AWARD A FULL SCHOLARSHIP, TO THE EXTENT THAT MONEYS ARE
13 AVAILABLE, TO EVERY MEMBER APPROVED AND RECOMMENDED BY THE
14 DEPARTMENT; EXCEPT THAT THE AMOUNT OF TUITION ASSISTANCE
15 AWARDED TO ANY MEMBER PURSUING A POSTGRADUATE DEGREE AT A
16 DESIGNATED INSTITUTION OF HIGHER EDUCATION SHALL NOT EXCEED THE
17 AMOUNT OF TUITION ASSISTANCE THAT IS AWARDED TO MEMBERS
18 PURSUING UNDERGRADUATE DEGREES AT THE SAME INSTITUTION. SUCH
19 SCHOLARSHIP SHALL BE AWARDED FROM THE MONEYS IN THE COLORADO
20 NATIONAL GUARD TUITION FUND CREATED IN SUBSECTION (9) OF THIS
21 SECTION AND THE MONEYS AVAILABLE TO THE COMMISSION TO AWARD
22 SCHOLARSHIPS AND GRANTS PURSUANT TO SECTION 23-3.3-501. THE
23 DEPARTMENT SHALL BE RESPONSIBLE FOR ENSURING THAT MEMBERS
24 RECEIVING TUITION ASSISTANCE FROM THE COMMISSION ARE IN
25 COMPLIANCE WITH ANY REQUIREMENTS AND CRITERIA ESTABLISHED IN
26 THIS SECTION.

27 (5) Each individual member of the Colorado national guard

1 receiving tuition assistance as provided in this section shall obtain
2 certification from the designated institution of higher education attesting
3 to his current satisfactory academic standing at such designated
4 institution of higher education, as determined by rules and regulations
5 established pursuant to subsection (7) of this section, and present such
6 certificate to the department of military affairs at the time of enrollment
7 for each semester or quarter for which tuition assistance is requested. No
8 tuition assistance shall be granted THE DEPARTMENT SHALL NOT APPROVE
9 OR RECOMMEND TUITION ASSISTANCE FOR ANY MEMBER PURSUANT TO
10 SUBSECTION (4.5) OF THIS SECTION without such certification.

11 (6) Any person who fails to serve the required one-year period in
12 the Colorado national guard for each semester of tuition assistance
13 granted, in violation of such person's agreement under subsection (2) of
14 this section, shall be required to repay to the department of military
15 affairs COLORADO COMMISSION ON HIGHER EDUCATION the tuition
16 assistance granted for each such year and any and all collection fees
17 incurred by the department of military affairs COMMISSION. Any such
18 repayment of tuition assistance shall be credited to the Colorado national
19 guard tuition fund created in subsection (9) of this section.

20 (7) The department of military affairs, IN COOPERATION WITH THE
21 COLORADO COMMISSION ON HIGHER EDUCATION, shall promulgate rules
22 for the administration of DETERMINATION AND RECOMMENDATION TO THE
23 COMMISSION OF MEMBERS WHO SHALL RECEIVE tuition assistance as
24 provided in this section, including, but not limited to, the following:

25 (b) Procedures to be followed by designated institutions of higher
26 education in reporting the member's academic standing and in providing
27 timely billing to the department of military affairs AND IN PROVIDING

1 TIMELY BILLING TO THE COLORADO COMMISSION ON HIGHER EDUCATION;

2 (9) (a) There is hereby created in the state treasury the Colorado
3 national guard tuition fund, which shall be administered by the
4 department of military affairs COLORADO COMMISSION ON HIGHER
5 EDUCATION and which shall consist of all moneys ~~which~~ THAT may be
6 appropriated thereto by the general assembly or ~~which~~ THAT may be
7 otherwise made available to it by the general assembly. Moneys
8 "otherwise made available" shall include any repayment of tuition
9 assistance made pursuant to subsection (6) of this section. The moneys
10 in the fund are hereby continuously appropriated for the payment of
11 tuition assistance as provided in this section. Any moneys not expended
12 at the end of the fiscal year shall remain in the fund and shall not be
13 transferred to or revert to the general fund of the state.

14 (b) An audit of the Colorado national guard tuition fund shall be
15 made during the ~~department of military affairs~~ COLORADO COMMISSION
16 ON HIGHER EDUCATION postaudit pursuant to section 2-3-103, C.R.S.

17 (10) IN THE EVENT THAT THE MONEYS AVAILABLE TO THE
18 COLORADO COMMISSION ON HIGHER EDUCATION THROUGH THE
19 COLORADO NATIONAL GUARD TUITION FUND AND SECTION 23-3.3-501 ARE
20 INSUFFICIENT TO GRANT A FULL SCHOLARSHIP BASED UPON MERIT TO
21 EVERY MEMBER WHO HAS BEEN APPROVED AND RECOMMENDED FOR
22 RECEIPT OF SUCH SCHOLARSHIP BY THE DEPARTMENT OF MILITARY
23 AFFAIRS PURSUANT TO THIS SECTION, THE AVAILABLE MONEYS SHALL BE
24 DISTRIBUTED TO ALL APPROVED MEMBERS OF THE NATIONAL GUARD IN A
25 MANNER TO BE DETERMINED BY THE COMMISSION.

26 (11) NO LATER THAN SEPTEMBER 1, 2006, THE DEPARTMENT OF
27 MILITARY AFFAIRS AND THE COLORADO COMMISSION ON HIGHER

1 EDUCATION SHALL SUBMIT A JOINT REPORT TO THE SENATE GOVERNMENT,
2 VETERANS AND MILITARY RELATIONS, AND TRANSPORTATION AND THE
3 HOUSE STATE, VETERANS, AND MILITARY AFFAIRS COMMITTEES OF THE
4 GENERAL ASSEMBLY. THE REPORT SHALL CONTAIN AN EVALUATION OF
5 THE TUITION ASSISTANCE PROGRAM AND SHALL INCLUDE, BUT SHALL NOT
6 BE LIMITED TO:

7 (a) THE NUMBER OF MEMBERS OF THE COLORADO NATIONAL
8 GUARD WHO HAVE RECEIVED TUITION ASSISTANCE FROM THE COLORADO
9 COMMISSION ON HIGHER EDUCATION THROUGH THE COLORADO NATIONAL
10 GUARD TUITION ASSISTANCE PROGRAM;

11 (b) THE NUMBER OF MEMBERS WHO HAVE NOT FULFILLED THEIR
12 OBLIGATION TO SERVE IN THE COLORADO NATIONAL GUARD AFTER
13 RECEIVING TUITION ASSISTANCE PURSUANT TO SUBPARAGRAPH (IV) OF
14 PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION; AND

15 (c) A RECOMMENDATION CONCERNING THE CONTINUANCE OF THE
16 COLORADO NATIONAL GUARD TUITION ASSISTANCE PROGRAM.

17 **SECTION 4. Effective date.** This act shall take effect at 12:01
18 a.m. on the day following the expiration of the ninety-day period after
19 final adjournment of the general assembly that is allowed for submitting
20 a referendum petition pursuant to article V, section 1 (3) of the state
21 constitution; except that, if a referendum petition is filed against this act
22 or an item, section, or part of this act within such period, then the act,
23 item, section, or part, if approved by the people, shall take effect on the
24 date of the official declaration of the vote thereon by proclamation of the
25 governor.