

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

**INTRODUCED**

LLS NO. 01-0845.01 Nicole Hoffman

**HOUSE BILL 01-1379**

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**HOUSE SPONSORSHIP**

**Nunez**, Cadman, Crane, Grossman, Schultheis, Sinclair, Weddig, Alexander, Clapp, Cloer, Daniel, Decker, Fairbank, Fritz, Garcia, Hefley, Jahn, Kester, King, Larson, Lee, Miller, Mitchell, Paschall, Rhodes, Rippy, Scott, Smith, Snook, Stafford, Stengel, Swenson, Tochtrop, Webster, White, and Witwer

**SENATE SPONSORSHIP**

**(None)**,

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**House Committees**

State, Veterans, & Military Affairs  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING INCENTIVES TO STRENGTHEN MEMBERSHIP IN CERTAIN**  
102                    **COLORADO BASED UNITS OF THE ARMED FORCES, AND MAKING**  
103                    **AN APPROPRIATION IN CONNECTION THEREWITH.**

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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.)*

Allows members of the Colorado national guard and members of the reserves of the United States army, navy, marine corps, air force, or coast guard who are members in good standing in Colorado based units and who are not domiciled in Colorado to pay in-state tuition at certain institutions of higher education.

Allows a \$200 recruiting bonus to any member of the Colorado national guard, with the exception of recruiters employed by the national

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.*

guard, who recruits a person to join the Colorado national guard.

Creates the Colorado national guard recruiting bonus fund in the state treasury.

Makes an appropriation.

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

2 **SECTION 1.** 23-7-102 (5), Colorado Revised Statutes, is  
3 amended to read:

4 **23-7-102. Definitions.** As used in this article, unless the context  
5 otherwise requires:

6 (5) "In-state student" means a student who has been domiciled in  
7 Colorado for one year or more immediately preceding registration at any  
8 institution of higher education in Colorado for any term or session for  
9 which domiciliary classification is claimed, but attendance at an  
10 institution of higher education, public or private, within the state of  
11 Colorado shall not alone be sufficient to qualify for domicile in Colorado.  
12 "In-state student" includes a member of the armed forces of the United  
13 States or his OR HER dependents, A MEMBER OF THE COLORADO NATIONAL  
14 GUARD, AND A MEMBER OF THE RESERVES OF THE UNITED STATES ARMY,  
15 NAVY, MARINE CORPS, AIR FORCE, OR COAST GUARD who ~~qualify~~ QUALIFIES  
16 under section 23-7-103 (1) (c).

17 **SECTION 2.** 23-7-103 (1) (c) (II), Colorado Revised Statutes, is  
18 amended, and the said 23-7-103 (1) (c) is further amended BY THE  
19 ADDITION OF A NEW SUBPARAGRAPH, to read:

20 **23-7-103. Presumptions and rules for determination of status.**

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

1 (c) (II) The governing board of each institution of higher education  
2 may grant in-state tuition status to members of the armed forces or their  
3 dependents, MEMBERS OF THE COLORADO NATIONAL GUARD, AND  
4 MEMBERS OF THE RESERVES OF THE UNITED STATES ARMY, NAVY, MARINE  
5 CORPS, AIR FORCE, OR COAST GUARD pursuant to the criteria set forth in  
6 ~~subparagraph (I)~~ SUBPARAGRAPHS (I) AND (IV) of this paragraph (c).  
7 ~~except that, for the purposes of calculating general fund support of said~~  
8 ~~institution in the general appropriation act for the 1986-87 school year,~~  
9 ~~such persons shall not be counted as resident students.~~

10 (IV) ANY PERSON, UPON JOINING THE COLORADO NATIONAL GUARD  
11 OR A COLORADO BASED UNIT OF THE RESERVES OF THE UNITED STATES  
12 ARMY, NAVY, MARINE CORPS, AIR FORCE, OR COAST GUARD, SHALL BE  
13 ELIGIBLE TO OBTAIN IN-STATE STATUS FOR HIMSELF OR HERSELF,  
14 NOTWITHSTANDING THE LENGTH OF HIS OR HER RESIDENCY, SO LONG AS  
15 THE PERSON IS A MEMBER IN GOOD STANDING IN SUCH UNIT AS DETERMINED  
16 BY THE DEPARTMENT OF MILITARY AFFAIRS. SUCH IN-STATE STATUS SHALL  
17 NOT BE CONSIDERED IN DETERMINING THE LIMITATIONS ON MAXIMUM  
18 ENROLLMENT PLACED ON INSTITUTIONS OF HIGHER EDUCATION IN  
19 COLORADO AND SHALL BE SUBJECT TO THE LIMITATIONS IN SUBPARAGRAPH  
20 (II) OF THIS PARAGRAPH (c).

21 **SECTION 3.** Part 4 of article 3 of title 28, Colorado Revised  
22 Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

23 **28-3-407. Recruiting bonus.** (1) EXCEPT AS PROVIDED IN  
24 SUBSECTION (2) OF THIS SECTION, ON AND AFTER JANUARY 1, 2002, ANY  
25 MEMBER OF THE COLORADO NATIONAL GUARD WHO RECRUITS ONE OR  
26 MORE PERSONS TO JOIN THE COLORADO NATIONAL GUARD SHALL RECEIVE  
27 A RECRUITING BONUS IN THE AMOUNT OF TWO HUNDRED DOLLARS FOR

1 EVERY PERSON RECRUITED BY SUCH MEMBER IF:

2 (a) THE RECRUITED PERSON SPECIFIES ON HIS OR HER RECRUITMENT  
3 CONTRACT, THE NAME OF ONE MEMBER OF THE COLORADO NATIONAL  
4 GUARD WHO RECRUITED HIM OR HER; AND

5 (b) THE RECRUITED PERSON SIGNS AN ENLISTMENT CONTRACT AND  
6 SUBSCRIBES TO THE OATH OR AFFIRMATION OF THE COLORADO NATIONAL  
7 GUARD PURSUANT TO SECTION 28-3-402.

8 (2) THE RECRUITING BONUSES ALLOWED PURSUANT TO THIS  
9 SECTION SHALL NOT BE ALLOWED TO ANY MEMBER OF THE COLORADO  
10 NATIONAL GUARD WHO IS A RECRUITER EMPLOYED BY THE NATIONAL  
11 GUARD.

12 (3) THERE IS HEREBY CREATED IN THE STATE TREASURY THE  
13 COLORADO NATIONAL GUARD RECRUITING BONUS FUND WHICH SHALL BE  
14 ADMINISTERED BY THE DEPARTMENT OF MILITARY AFFAIRS. THE FUND  
15 SHALL CONSIST OF ALL MONEYS THAT MAY BE APPROPRIATED THERETO BY  
16 THE GENERAL ASSEMBLY OR THAT MAY BE OTHERWISE MADE AVAILABLE  
17 TO THE FUND BY THE GENERAL ASSEMBLY AND ALL GIFTS, GRANTS, AND  
18 DONATIONS MADE TO THE DEPARTMENT FOR THE PURPOSE OF FUNDING THE  
19 RECRUITMENT BONUS PROGRAM. THE MONEYS IN THE FUND ARE HEREBY  
20 CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT FOR THE PAYMENT OF  
21 RECRUITING BONUSES AS PROVIDED IN THIS SECTION. ANY MONEYS NOT  
22 EXPENDED AT THE END OF THE FISCAL YEAR SHALL REMAIN IN THE FUND  
23 AND SHALL NOT BE TRANSFERRED TO OR REVERT TO THE GENERAL FUND OF  
24 THE STATE.

25 (4) THE DEPARTMENT OF MILITARY AFFAIRS SHALL PROMULGATE  
26 RULES NECESSARY FOR THE ADMINISTRATION OF THIS SECTION. SUCH  
27 RULES SHALL BE PROMULGATED IN ACCORDANCE WITH ARTICLE 4 OF TITLE

1 24, C.R.S.

2           **SECTION 4. Appropriation.** In addition to any other  
3 appropriation, there is hereby appropriated, out of any moneys in the  
4 general fund not otherwise appropriated, to the Colorado national guard  
5 recruiting bonus fund created in section 28-3-407 (3), Colorado Revised  
6 Statutes, for the fiscal year beginning July 1, 2001, the sum of twenty-five  
7 thousand dollars (\$25,000), to be used for purposes consistent with the  
8 creation of the fund.

9           **SECTION 5. Effective date.** This act shall take effect at 12:01  
10 a.m. on the day following the expiration of the ninety-day period after  
11 final adjournment of the general assembly that is allowed for submitting  
12 a referendum petition pursuant to article V, section 1 (3) of the state  
13 constitution; except that, if a referendum petition is filed against this act  
14 or an item, section, or part of this act within such period, then the act,  
15 item, section, or part, if approved by the people, shall take effect on the  
16 date of the official declaration of the vote thereon by proclamation of the  
17 governor.