

CHAPTER 307

EDUCATION - UNIVERSITIES AND COLLEGES

HOUSE BILL 04-1347

BY REPRESENTATIVE(S) Witwer, Borodkin, Cadman, Coleman, Frangas, Hall, Hefley, Hoppe, King, May M., Merrifield, Miller, Paccione, Rhodes, Rippy, Rose, Salazar, Schultheis, Spence, Stafford, Weddig, and Williams S.; also SENATOR(S) Jones, Anderson, Andrews, Arnold, Chlouber, Dyer, Entz, Evans, Groff, Grossman, Hillman, Isgar, Johnson S., Kester, Lamborn, May R., McElhany, Nichol, Phillips, Taylor, and Teck.

AN ACT

CONCERNING TUITION ASSISTANCE TO MEMBERS OF THE COLORADO NATIONAL GUARD, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. 23-3.3-202, Colorado Revised Statutes, is amended to read:

23-3.3-202. Program funding. (1) Out of any moneys provided for the financial assistance program authorized by section 23-3.3-102, the commission shall first provide tuition assistance to individuals who qualify under the provisions of this part 2 OR SECTION 23-5-111.4, CONSISTENT WITH THE PROVISIONS OF SUBSECTION (2) OF THIS SECTION.

(2) THE COMMISSION SHALL NOT ALLOCATE MORE THAN SIX HUNDRED FIFTY THOUSAND DOLLARS UNDER SUBSECTION (1) OF THIS SECTION FOR PURPOSES OF PROVIDING TUITION ASSISTANCE TO MEMBERS OF THE NATIONAL GUARD PURSUANT TO SECTION 23-5-111.4.

SECTION 2. 23-5-111.4 (9) (a), Colorado Revised Statutes, is amended to read:

23-5-111.4. Tuition for members of the national guard. (9) (a) There is hereby created in the state treasury the Colorado national guard tuition fund which shall be administered by the department of military and veterans affairs and which shall consist of all moneys which may be appropriated thereto by the general assembly or which may be otherwise made available to it by the general assembly. Moneys "otherwise made available" shall include any repayment of tuition assistance made pursuant to subsection (6) of this section AND ANY MONEYS APPROPRIATED BY

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

THE GENERAL ASSEMBLY FOR PURPOSES OF THIS SECTION IN ACCORDANCE WITH SECTION 23-3.3-202. The moneys in the fund are hereby continuously appropriated for the payment of tuition assistance as provided in this section. Any moneys not expended at the end of the fiscal year shall remain in the fund and shall not be transferred to or revert to the general fund of the state.

SECTION 3. 23-5-111.4 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

23-5-111.4. Tuition for members of the national guard. (2) (a.5) A MEMBER SHALL BE ELIGIBLE FOR TUITION ASSISTANCE PURSUANT TO THIS SECTION TO THE EXTENT THAT TUITION ASSISTANCE FROM OTHER SOURCES, INCLUDING THE FEDERAL GOVERNMENT, FIRST BE APPLIED TO THE MEMBER'S TUITION PRIOR TO ANY TUITION ASSISTANCE RECEIVED PURSUANT TO THIS SECTION.

SECTION 4. Appropriations - adjustment to the 2004 long bill. (1) For the implementation of this act, general fund appropriations made in the annual general appropriation act, for the fiscal year beginning July 1, 2004, to the department of higher education, Colorado commission on higher education financial aid, are decreased by four hundred ten thousand two hundred seven dollars (\$410,207).

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, for the fiscal year beginning July 1, 2004, to the department of higher education, Colorado commission on higher education financial aid, for payments to the Colorado national guard tuition fund, the sum of four hundred ten thousand two hundred seven dollars (\$410,207), or so much thereof as may be necessary, for the implementation of this act.

(3) In addition to any other appropriation, there is hereby appropriated, for the fiscal year beginning July 1, 2004, to the department of military affairs, executive director and army national guard, Colorado national guard tuition fund, the sum of four hundred ten thousand two hundred seven dollars (\$410,207), or so much thereof as may be necessary. Said sum shall be from cash funds exempt received from the department of higher education out of the appropriation made in subsection (2) of this section.

SECTION 5. Effective date. This act shall take effect July 1, 2004.

SECTION 6. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 27, 2004