

## CHAPTER 152

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**EDUCATION - POSTSECONDARY**

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**HOUSE BILL 15-1215**

BY REPRESENTATIVE(S) Priola, Arndt, Carver, Danielson, Fields, Ginal, Hamner, Keyser, Lebsack, Lee, Lontine, Melton, Mitsch Bush, Pettersen, Rosenthal, Ryden, Salazar, Sias, Singer, Williams, Windholz, Young;  
also SENATOR(S) Johnston, Aguilar, Carroll, Cooke, Crowder, Donovan, Guzman, Heath, Hill, Hodge, Jahn, Jones, Kefalas, Kerr, Lambert, Martinez Humenik, Merrifield, Newell, Roberts, Todd, Cadman.

**AN ACT****CONCERNING IN-STATE TUITION CLASSIFICATION FOR DEPENDENTS OF ACTIVE DUTY MILITARY MEMBERS WHO HAVE ATTENDED SCHOOL IN COLORADO.**

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

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

- (a) In addition to coping with the repeated deployments of their active duty parent or parents, children in active duty military families frequently relocate several times with their parents over the course of their childhood;
- (b) With each relocation, children must attend new schools, make new friends, and establish new connections to the community;
- (c) Due to the active duty military presence in Colorado, some children spend a significant amount of time in school in Colorado during elementary, middle, and high school;
- (d) Some may consider attending college at a Colorado school after graduation from high school, but relocate to another state prior to their college years; and
- (e) While these children reside in other states at the time they are ready to attend college and therefore do not meet the requirements for in-state tuition classification at Colorado institutions of higher education, Colorado can recognize these families' years of service in our state and to our country by permitting children who have spent a significant amount of time in elementary or secondary school in Colorado

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

to return to Colorado as in-state "resident" students for tuition purposes.

**SECTION 2.** In Colorado Revised Statutes, **repeal** 23-7-108.7 as follows:

**23-7-108.7. Tuition classification of dependents of members of the armed forces.** (1) Notwithstanding any provision of this article to the contrary, beginning with the fall semester of the 2012-13 academic year, the governing board of each institution of higher education in Colorado may adopt a policy that grants in-state tuition status to a dependent of an active duty member of the armed forces of the United States if the dependent enrolls in the institution and graduated from a high school outside of Colorado, so long as the dependent completed at least two years of high school in Colorado within five years prior to enrollment in the institution of higher education.

(2) A student who is classified as an in-state student pursuant to subsection (1) of this section shall not be counted as a resident for any purpose other than in-state tuition classification.

**SECTION 3.** In Colorado Revised Statutes, 23-7-103, **amend** (1) (c) (I) (C) 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 is eligible for in-state tuition classification 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, a member of the armed forces of the United States on active duty, or the member's dependent, shall not lose his or her eligibility for in-state tuition status if the member retires or separates from the military. As used in this sub subparagraph (C), "dependent" means a spouse of a member of the armed services who was the member's spouse at the time that the member was stationed in Colorado and at the time the spouse is requesting in-state tuition classification and any child under twenty-two TWENTY-THREE years of age born to or legally adopted by the member of the armed forces who enrolls in a public institution of higher education within ten TWELVE years after the member was stationed in Colorado.

**SECTION 4. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 4, 2015