

**Second Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO**

**PREMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 24-0123.01 Conrad Imel x2313

**HOUSE BILL 24-1226**

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**HOUSE SPONSORSHIP**

**Hartsook and Lukens,**

**SENATE SPONSORSHIP**

**(None),**

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**House Committees**

State, Civic, Military, & Veterans Affairs  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING HIGHER EDUCATION TUITION ASSISTANCE RELATED TO**  
102 **SERVICE IN THE COLORADO NATIONAL GUARD.**

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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://leg.colorado.gov>.)*

Under existing law, the department of military and veterans affairs (department) pays up to the full amount of tuition for members of the Colorado National Guard (members) pursuing a degree or certificate at certain institutions of higher education via a tuition assistance program (program). The tuition is paid from the Colorado National Guard tuition assistance fund (fund).

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing law.  
Dashes through the words or numbers indicate deletions from existing law.*

The bill expands the program to include spouses and children (dependents) of members and to pay for fees charged by the institution of higher education. To qualify for tuition assistance, a dependent must be a dependent of a member who has served in the Colorado National Guard for at least 6 years and either is serving during the period of time that the dependent is receiving tuition and fee assistance or previously served in the Colorado National Guard for at least 12 years.

The bill creates the National Guard dependents tuition assistance account (account) in the fund. Tuition for dependents is paid from the account. If the balance in the account is more than the amount necessary to pay for dependents' tuition in a fiscal year and the money in the fund is insufficient to satisfy the demand for tuition assistance for members, the adjutant general of the department may notify the state treasurer to transfer excess money from the account to the fund to pay for members' tuition assistance.

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

2           **SECTION 1.** In Colorado Revised Statutes, 23-7.4-302, **amend**  
3 (2)(a), (2)(a.5), (2)(b), (3)(a), (5), (6), (7) introductory portion, (7)(a)  
4 introductory portion, (7)(b), (7)(c), and (9)(a); **repeal** (2)(d); and **add**  
5 (1.5) and (9)(a.5) as follows:

6           **23-7.4-302. Tuition and fees for Colorado National Guard**  
7 **members and dependents - military regulations - legislative**  
8 **declaration - definitions.** (1.5) AS USED IN THIS SECTION, UNLESS THE  
9 CONTEXT OTHERWISE REQUIRES:

10           (a) "ACCOUNT" MEANS THE NATIONAL GUARD DEPENDENTS  
11 TUITION ASSISTANCE ACCOUNT, CREATED IN SUBSECTION (9)(a.5) OF THIS  
12 SECTION, IN THE COLORADO NATIONAL GUARD TUITION ASSISTANCE  
13 FUND.

14           (b) "DEPENDENT" MEANS A SPOUSE OF AN ACTIVE MEMBER OF THE  
15 COLORADO NATIONAL GUARD OR A CHILD UNDER TWENTY-SIX YEARS OF  
16 AGE EITHER BORN TO OR LEGALLY ADOPTED BY AN ACTIVE MEMBER.

17           (c) "DESIGNATED INSTITUTION OF HIGHER EDUCATION" MEANS THE

1 COLORADO STATE UNIVERSITY - PUEBLO, ADAMS STATE UNIVERSITY,  
2 COLORADO MESA UNIVERSITY, METROPOLITAN STATE UNIVERSITY OF  
3 DENVER, FORT LEWIS COLLEGE, WESTERN COLORADO UNIVERSITY, ALL  
4 INDEPENDENT AREA TECHNICAL COLLEGES, ALL LOCAL DISTRICT  
5 COLLEGES, THE UNIVERSITY OF NORTHERN COLORADO, THE UNIVERSITY  
6 OF COLORADO AT BOULDER, THE UNIVERSITY OF COLORADO AT DENVER,  
7 THE UNIVERSITY OF COLORADO AT COLORADO SPRINGS, COLORADO  
8 STATE UNIVERSITY, COLORADO STATE UNIVERSITY - GLOBAL CAMPUS, THE  
9 COLORADO SCHOOL OF MINES, THE UNIVERSITY OF COLORADO HEALTH  
10 SCIENCES CENTER, ALL COMMUNITY COLLEGES GOVERNED BY THE STATE  
11 BOARD FOR COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION, AND  
12 ANY PRIVATE INSTITUTION OF HIGHER EDUCATION IN COLORADO THAT  
13 QUALIFIES FOR THE COLLEGE OPPORTUNITY FUND PURSUANT TO ARTICLE  
14 18 OF THIS TITLE 23 AND THAT OFFERS AN ACCREDITED CERTIFICATE OR  
15 DEGREE PROGRAM IN HOMELAND SECURITY.

16 (d) "FUND" MEANS THE COLORADO NATIONAL GUARD TUITION  
17 ASSISTANCE FUND CREATED IN SUBSECTION (9) OF THIS SECTION.

18 (e) "MEMBER" MEANS AN ENLISTED MEMBER OR OFFICER OF THE  
19 COLORADO NATIONAL GUARD.

20 (f) "TUITION" INCLUDES FEES CHARGED TO A STUDENT BY A  
21 DESIGNATED INSTITUTION OF HIGHER EDUCATION.

22 (2) (a) ~~Any person who is~~ A member of the Colorado National  
23 Guard OR A DEPENDENT OF A MEMBER, upon being accepted for  
24 enrollment at any designated institution of higher education, is permitted  
25 to pursue studies leading toward a bachelor's degree, a postgraduate  
26 degree, an associate degree, or a certificate of completion with at least  
27 fifty percent but not more than one hundred percent of the cost of tuition

1 AND FEES CHARGED BY THE DESIGNATED INSTITUTION OF HIGHER  
2 EDUCATION paid by the department of military and veterans affairs,  
3 subject to available appropriations, for so long as the ~~person~~ MEMBER  
4 remains a member of the Colorado National Guard, but the DEPARTMENT  
5 SHALL NOT MAKE tuition payments ~~shall not be made~~ for more than one  
6 hundred thirty-two semester hours or one hundred ninety-eight quarter  
7 hours or for more than eight years.

8 (a.5) A member OR DEPENDENT is eligible for tuition assistance  
9 pursuant to this section to the extent that the sum of the member's OR  
10 DEPENDENT'S tuition assistance from all sources, including the federal  
11 government, does not exceed one hundred percent of the cost of tuition.

12 (b) In order to qualify for the tuition assistance authorized by this  
13 section, a ~~member~~ PERSON:

14 (I) Must meet the criteria for eligibility, as established by ~~rules~~  
15 ~~and~~ MILITARY regulations promulgated pursuant to subsection (7) of this  
16 section;

17 (II) Must not be drawing tuition from any other tuition assistance  
18 program funded by a ~~private~~ AN employer that, when combined with the  
19 assistance in this section, would exceed one hundred percent of the tuition  
20 costs;

21 (III) Must not be a recipient of a full scholarship for tuition and  
22 fees to any designated institution of higher education; ~~and~~

23 (IV) IF THE PERSON IS A MEMBER, must serve in the Colorado  
24 National Guard during the period of time that the member is receiving  
25 tuition and fee assistance; AND

26 (V) IF THE PERSON IS A DEPENDENT, MUST BE ENROLLED IN THE  
27 FEDERAL DEFENSE ENROLLMENT ELIGIBILITY REPORTING SYSTEM.

1       ADDITIONALLY, A DEPENDENT MUST BE A DEPENDENT OF A MEMBER WHO

2       EITHER:

3           (A) IS SERVING IN THE COLORADO NATIONAL GUARD DURING THE  
4       PERIOD OF TIME THAT THE DEPENDENT IS RECEIVING TUITION AND FEE  
5       ASSISTANCE AND HAS SERVED IN THE COLORADO NATIONAL GUARD FOR  
6       AT LEAST SIX YEARS; OR

7           (B) PREVIOUSLY SERVED IN THE COLORADO NATIONAL GUARD  
8       FOR AT LEAST TWELVE YEARS.

9           (d) ~~For purposes of this section, "member" means an enlisted~~  
10       ~~member or officer of the National Guard.~~

11           (3) (a) ~~For purposes of this section, "designated institution of~~  
12       ~~higher education" means the Colorado state university - Pueblo, Adams~~  
13       ~~state university, Colorado Mesa university, Metropolitan state university~~  
14       ~~of Denver, Fort Lewis college, Western Colorado university, all~~  
15       ~~independent area technical colleges, all local district colleges, the~~  
16       ~~university of northern Colorado, the university of Colorado at Boulder,~~  
17       ~~the university of Colorado at Denver, the university of Colorado at~~  
18       ~~Colorado Springs, Colorado state university, Colorado state university -~~  
19       ~~global campus, the Colorado school of mines, the university of Colorado~~  
20       ~~health sciences center, all community colleges governed by the state~~  
21       ~~board for community colleges and occupational education, and any~~  
22       ~~private institution of higher education in Colorado that qualifies for the~~  
23       ~~college opportunity fund pursuant to article 18 of this title 23 and that~~  
24       ~~offers an accredited certificate or degree program in homeland security.~~  
25       For a member of the Colorado National Guard OR DEPENDENT enrolled in  
26       a private institution of higher education, tuition assistance is limited to the  
27       completion of the accredited certificate or degree program in homeland

1 security and is provided at the discretion of the adjutant general of the  
2 department of military and veterans affairs.

3 (5) For each individual member ~~of the Colorado National Guard~~  
4 OR DEPENDENT who is a continuing student and who is receiving tuition  
5 assistance as provided in this section, the department of military and  
6 veterans affairs ~~shall~~ MUST obtain certification from the designated  
7 institution of higher education prior to the payment to the institution  
8 attesting to the member's OR DEPENDENT'S current satisfactory academic  
9 standing at the designated institution of higher education, as determined  
10 by military regulations promulgated pursuant to subsection (7) of this  
11 section, for each semester or quarter for which tuition assistance is  
12 requested. THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS SHALL  
13 NOT GRANT tuition assistance ~~shall not be granted~~ without ~~such~~ RECEIVING  
14 THE certification.

15 (6) Any member who leaves the Colorado National Guard ~~in~~  
16 ~~violation of the member's agreement under subsection (2) of this section~~  
17 OR DEPENDENT WHO CEASES TO SATISFY THE CRITERIA SET FORTH IN  
18 SUBSECTION (2)(b)(V) OF THIS SECTION during an academic term for  
19 which the member OR DEPENDENT is receiving tuition assistance ~~is~~  
20 ~~required to~~ SHALL repay to the department of military and veterans affairs  
21 the amount of tuition assistance granted for that academic term and ~~any~~  
22 ~~and~~ all collection ~~fees~~ COSTS incurred by the department of military and  
23 veterans affairs. ~~The repayment of tuition assistance shall be credited to~~  
24 THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS SHALL TRANSMIT  
25 TUITION ASSISTANCE REPAYMENTS IT RECEIVES PURSUANT TO THIS  
26 SUBSECTION (6) TO THE STATE TREASURER, WHO SHALL CREDIT THE  
27 MONEY TO the ~~Colorado National Guard tuition fund created in subsection~~

1 ~~(9) of this section~~ IF THE REPAYMENT IS FROM A MEMBER OR TO THE  
2 ACCOUNT IF THE REPAYMENT IS FROM A DEPENDANT.

3 (7) The department of military and veterans affairs shall  
4 promulgate military regulations for the administration of tuition  
5 assistance FOR MEMBERS AND DEPENDENTS as provided in this section,  
6 including, but not limited to, the following:

7 (a) Criteria for the eligibility of a member ~~of the National Guard~~  
8 OR DEPENDENT OF A MEMBER for tuition assistance. In establishing this  
9 criteria, the department of military and veterans affairs shall include, but  
10 not be limited to, consideration of the following:

11 (b) Procedures ~~to be followed by~~ FOR designated institutions of  
12 higher education ~~in reporting~~ TO REPORT the member's OR DEPENDENT'S  
13 academic standing and ~~in providing~~ PROVIDE timely billing to the  
14 department of military and veterans affairs;

15 (c) A definition of satisfactory academic standing, including, but  
16 not limited to, consideration of the member's OR DEPENDENT'S cumulative  
17 grade point average, credit hours completed, and progress toward a  
18 degree.

19 (9) (a) There is created in the state treasury the Colorado National  
20 Guard tuition fund which is administered by the department of military  
21 and veterans affairs. ~~and which~~ THE FUND consists of ~~all money that may~~  
22 ~~be appropriated thereto by the general assembly, or that is otherwise made~~  
23 ~~available to it by the general assembly. Money "otherwise made~~  
24 ~~available" includes any repayment of~~ REPAID tuition assistance ~~made~~  
25 MONEY CREDITED TO THE FUND pursuant to subsection (6) of this section,  
26 MONEY TRANSFERRED TO THE FUND PURSUANT TO SUBSECTION (9)(a.5)(II)  
27 OF THIS SECTION, AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY

1 MAY APPROPRIATE OR TRANSFER TO THE FUND. The money in the fund is  
2 continuously appropriated for the payment of tuition assistance FOR  
3 MEMBERS as provided in this section. Any money not expended at the end  
4 of the fiscal year remains in the fund and shall not be transferred to or  
5 revert to the general fund of the state.

6 (a.5) (I) THE NATIONAL GUARD DEPENDENTS TUITION ASSISTANCE  
7 ACCOUNT IS CREATED IN THE FUND. THE ACCOUNT CONSISTS OF ANY  
8 MONEY THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER INTO  
9 THE ACCOUNT AND REPAID TUITION ASSISTANCE MONEY CREDITED TO THE  
10 ACCOUNT PURSUANT TO SUBSECTION (6) OF THIS SECTION. THE MONEY IN  
11 THE ACCOUNT IS CONTINUOUSLY APPROPRIATED FOR THE PAYMENT OF  
12 TUITION ASSISTANCE FOR DEPENDENTS AS PROVIDED IN THIS SECTION.

13 (II) THE ADJUTANT GENERAL OF THE DEPARTMENT OF MILITARY  
14 AND VETERANS AFFAIRS MAY DETERMINE THE ACCOUNT'S EXCESS  
15 BALANCE, WHICH IS THE AMOUNT OF MONEY IN THE ACCOUNT IN EXCESS  
16 OF THE AMOUNT NECESSARY TO PAY FOR TUITION ASSISTANCE FOR  
17 DEPENDENTS IN A FISCAL YEAR. IF THE ADJUTANT GENERAL DETERMINES  
18 THAT THE ACCOUNT HAS AN EXCESS BALANCE AND THAT THE AMOUNT OF  
19 MONEY IN THE FUND IS INSUFFICIENT TO SATISFY THE DEMAND FOR  
20 TUITION ASSISTANCE FOR MEMBERS, THE ADJUTANT GENERAL MAY NOTIFY  
21 THE STATE TREASURER, IN WRITING, OF THE AMOUNT OF THE ACCOUNT'S  
22 EXCESS BALANCE THAT CAN BE USED FOR TUITION ASSISTANCE FOR  
23 MEMBERS IN THAT FISCAL YEAR. UPON RECEIVING NOTIFICATION FROM  
24 THE ADJUTANT GENERAL, THE STATE TREASURER SHALL TRANSFER THAT  
25 AMOUNT FROM THE ACCOUNT TO THE FUND.

26 **SECTION 2. Act subject to petition - effective date.** This act  
27 takes effect at 12:01 a.m. on the day following the expiration of the



1 ninety-day period after final adjournment of the general assembly; except  
2 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
3 of the state constitution against this act or an item, section, or part of this  
4 act within such period, then the act, item, section, or part will not take  
5 effect unless approved by the people at the general election to be held in  
6 November 2024 and, in such case, will take effect on the date of the  
7 official declaration of the vote thereon by the governor.