

CHAPTER 311

EDUCATION - UNIVERSITIES AND COLLEGES

HOUSE BILL 93-1334

BY REPRESENTATIVES Duke and Lyle;
also SENATOR Traylor.**AN ACT****CONCERNING ENHANCED OPPORTUNITIES FOR COLORADO STUDENTS THROUGH CHANGES IN THE METHOD OF DETERMINING THE CLASSIFICATION OF STUDENTS FOR TUITION PURPOSES.***Be it enacted by the General Assembly of the State of Colorado:*

SECTION 1. Legislative declaration. The general assembly hereby finds and declares that current statutory language inequitably allows certain out-of-state students enrolled in Colorado institutions of higher education to be classified as in-state students. In enacting this act, it is the intent of the general assembly to make certain statutory changes concerning the classification of students for tuition purposes which preserve and increase opportunities for students properly classified as in-state. It is also the intent of the general assembly to encourage Colorado institutions of higher education to use any savings or additional revenues created by making such changes for the provision of financial aid for in-state students.

SECTION 2. 23-7-102 (7) and (9), Colorado Revised Statutes, 1988 Repl. Vol., are amended to read:

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

(7) "Minor" means a male or female person who has not attained the age of twenty-one years.

(9) "Qualified person" means a person qualified to determine his own domicile. A person over the age of twenty-one years or A STUDENT COMMENCING A POSTBACCALAUREATE DEGREE-GRANTING PROGRAM OR an emancipated minor is so qualified.

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

SECTION 3. 23-7-103 (2) (a), (2) (g) (III), and (2) (i) (II), Colorado Revised Statutes, 1988 Repl. Vol., are amended, and the said 23-7-103 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

23-7-103. Presumptions and rules for determination of status. (2) To aid the institutions in deciding whether a student, a parent or guardian of the student, or the person who provides substantial support to the student is domiciled in Colorado, the following rules shall be applied:

(a) Payment of Colorado income tax is highly persuasive evidence of domicile in Colorado. IF SPOUSES FILE INCOME TAX RETURNS IN DIFFERENT STATES, THE INCOME TAX PAID TO EACH STATE MAY BE CONSIDERED IN DETERMINING WHETHER DOMICILE IN COLORADO IS PROPER.

(g) The following may be considered as evidence of domicile in another state even though no one of these criteria, if taken alone, may be considered as conclusive evidence of domicile in another state:

(III) Prolonged absence from Colorado, except in military or governmental service or except when the absence is due to a TEMPORARY relocation required as a condition of employment which the employer does not intend to make permanent OR EXCEPT WHEN THE STUDENT HAS BEEN OUT OF STATE FOR LESS THAN THREE YEARS AND SUCH STUDENT'S PARENT OR LEGAL GUARDIAN WAS AND CONTINUES TO BE A RESIDENT OF COLORADO;

(i) The following may be considered as evidence of nonemancipation for the purpose of this article even though no one of these criteria, if taken alone, may be considered as conclusive evidence of nonemancipation:

(II) Receipt of gifts, ~~or~~ loans, OR TRUST PROCEEDS FROM AN INTER VIVOS TRUST by a minor regardless of the date of receipt thereof which the minor depends upon for financial support, whether the gifts, ~~or~~ loans, OR TRUSTS FROM WHICH PROCEEDS ARE PAID are made by the parents, any other relative, or a friend of the minor;

(5) THE PRESUMPTIONS AND RULES IN THIS SECTION SHALL DETERMINE TUITION CLASSIFICATION EXCEPT WHEN EXCEPTIONS ARE MADE BY THE COLORADO COMMISSION ON HIGHER EDUCATION PURSUANT TO SUBSECTION (2.5) OF THIS SECTION OR WHEN EXCEPTIONS ARE MADE BY THE GENERAL ASSEMBLY IN OTHER SECTIONS OF THIS ARTICLE.

SECTION 4. Effective date - applicability. This act shall take effect July 1, 1993, and shall apply to persons who will attain the age of twenty-one on or after July 1, 1993.

SECTION 5. 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: June 6, 1993