

CHAPTER 154

EDUCATION - UNIVERSITIES AND COLLEGES

HOUSE BILL 96-1083

BY REPRESENTATIVES Agler, Adkins, George, Kreutz, Mace, Martin, Swenson, and Young;
also SENATORS Bishop, Matsunaka, Rupert, Tebedo, and Weddig.

AN ACT

**CONCERNING CLASSIFICATION OF STUDENTS AS IN-STATE STUDENTS FOR PURPOSES OF TUITION AT
STATE-SUPPORTED INSTITUTIONS OF HIGHER EDUCATION.**

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

SECTION 1. 23-7-102 (7) and (9), Colorado Revised Statutes, 1995 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~~ TWENTY-TWO years.

(9) "Qualified person" means a person qualified to determine his OR HER own domicile. A person over the age of ~~twenty-one~~ TWENTY-TWO years or a student commencing a postbaccalaureate degree-granting program or an emancipated minor is so qualified.

SECTION 2. 23-7-103 (2) (m) (II), Colorado Revised Statutes, 1995 Repl. Vol., is amended, and the said 23-7-103 (2) is further amended BY THE ADDITION OF A NEW PARAGRAPH, 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:

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

(m) (II) Any unemancipated minor ~~who remains in Colorado when his~~ WHOSE parent or legal guardian ~~who~~ was domiciled in Colorado for at least the four immediately preceding years AND WHOSE PARENT OR LEGAL GUARDIAN moves from this state shall be classified as an in-state student ~~until he attains the degree or certificate for which he enrolled if:~~

(A) ~~The minor matriculates at a Colorado institution within eight months after receipt of evidence of secondary school graduation or the equivalent thereof; and THE PARENT OR LEGAL GUARDIAN LEAVES THE STATE AFTER THE MINOR COMPLETES HIS OR HER JUNIOR YEAR OF HIGH SCHOOL AND THE MINOR MATRICULATES AT A COLORADO INSTITUTION WITHIN THREE YEARS AND SIX MONTHS AFTER THE TIME THE PARENT OR LEGAL GUARDIAN LEAVES THE STATE; OR~~

(B) ~~He attends such institution during a majority of its academic terms during any twelve-month period.~~ NOTWITHSTANDING HIS OR HER UNEMANCIPATED STATUS, THE MINOR MAINTAINS CONTINUOUS COLORADO DOMICILE SUBJECT TO ALL OTHER PROVISIONS OF THIS SECTION.

(o) A FOREIGN NATIONAL, NOTWITHSTANDING AN INTENTION TO RETURN TO HIS OR HER COUNTRY OF ORIGIN OR INELIGIBILITY TO ESTABLISH DOMICILE IN THE UNITED STATES PURSUANT TO FEDERAL LAW, SHALL BE ELIGIBLE FOR CLASSIFICATION AS AN IN-STATE STUDENT SUBJECT TO ALL OTHER PROVISIONS OF THIS SECTION IF THE PRIMARY PURPOSE OF THE FOREIGN NATIONAL'S RESIDENCE IN COLORADO, PURSUANT TO FEDERAL IMMIGRATION REGULATIONS, IS OTHER THAN FOR HIS OR HER EDUCATION OR FOR THE EDUCATION OF A FAMILY MEMBER. THE COLORADO COMMISSION ON HIGHER EDUCATION SHALL DESIGNATE THOSE NONIMMIGRANT CLASSIFICATIONS UNDER WHICH SUCH FOREIGN NATIONALS MAY QUALIFY AS IN-STATE STUDENTS. IN NO EVENT SHALL SAID DESIGNATION DISPLACE STUDENTS WHO WOULD OTHERWISE QUALIFY AS COLORADO RESIDENTS FOR IN-STATE TUITION CLASSIFICATION PURPOSES.

SECTION 3. Applicability. Section 1 of this act shall apply to persons first matriculating at a Colorado institution on or after September 1, 1996.

SECTION 4. 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 22, 1996