

CHAPTER 306

EDUCATION - UNIVERSITIES AND COLLEGES

HOUSE BILL 04-1006

BY REPRESENTATIVE(S) Hefley, Carroll, Clapp, Cloer, Crane, Frangas, Harvey, Hoppe, Jahn, Lee, Madden, Marshall, May M., McFadyen, McGihon, Merrifield, Miller, Paccione, Plant, Rhodes, Romanoff, Rose, Salazar, Sinclair, Smith, Spence, Spradley, Stafford, Tochtrop, Weddig, White, and Wiens;
 also SENATOR(S) McElhany, Andrews, Arnold, Chlouber, Entz, Gordon, Groff, Grossman, Hanna, Hillman, Isgar, Jones, Keller, Lamborn, Nichol, Phillips, Sandoval, Teck, Veiga, and Windels.

AN ACT

CONCERNING THE CLASSIFICATION OF A DEPENDENT OF A MEMBER OF THE ARMED FORCES FOR PURPOSES OF DETERMINING TUITION AT PUBLIC INSTITUTIONS OF HIGHER EDUCATION.

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

SECTION 1. 23-7-103 (1) (c) (I), Colorado Revised Statutes, is amended to read:

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) A person does not gain or lose in-state status by reason of his OR HER presence in any state or country while a member of the armed forces of the United States; but a member of the armed forces may be eligible to obtain in-state status for ~~himself~~ THE MEMBER after being domiciled in Colorado for twelve continuous months and complying with the provisions of this article or, notwithstanding the length of his OR HER residency, upon moving to Colorado on a permanent change-of-station basis; except that such in-state status shall not be considered in determining limitations on maximum enrollment placed on institutions of higher education in Colorado and such in-state status shall not apply to members of the armed forces of the United States who attend education programs on military bases and such in-state status shall also be subject to the limitations in subparagraph (II) of this paragraph (c). A member of the armed forces may also apply for in-state tuition classification for ANY OF his or her ~~dependent~~ DEPENDENTS, INCLUDING BUT NOT LIMITED TO A SPOUSE, upon meeting the requirements of this section. AFTER QUALIFYING AS AN IN-STATE STUDENT AND WHILE CONTINUOUSLY ENROLLED AS AN UNDERGRADUATE OR GRADUATE STUDENT

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

AT AN INSTITUTION OF HIGHER EDUCATION IN COLORADO, A DEPENDENT OF A MEMBER OF THE ARMED FORCES OF THE UNITED STATES ON ACTIVE DUTY SHALL NOT LOSE THE DEPENDENT'S IN-STATE TUITION STATUS IF THE MEMBER IS TRANSFERRED OUTSIDE OF COLORADO. A PERSON WHO IS A DEPENDENT OF A MEMBER OF THE ARMED FORCES OF THE UNITED STATES WHO WAS ON ACTIVE DUTY IN COLORADO DURING THE PERSON'S LAST YEAR OF HIGH SCHOOL, AND WHO ATTENDS A PUBLIC INSTITUTION OF HIGHER EDUCATION IN COLORADO WITHIN TWELVE MONTHS AFTER GRADUATING FROM A HIGH SCHOOL IN COLORADO, SHALL BE ELIGIBLE FOR IN-STATE TUITION; EXCEPT THAT SUCH A PERSON IS NOT ELIGIBLE FOR IN-STATE TUITION UNDER THIS PROVISION IF THE PERSON HAS ATTENDED AN INSTITUTION OF HIGHER EDUCATION OUTSIDE OF COLORADO.

SECTION 2. Applicability. This act shall apply to dependents of members of the armed forces of the United States on active duty who graduate from high school or who are classified as in-state students on or after the effective date of this act.

SECTION 3. 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