

## CHAPTER 187

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**EDUCATION - UNIVERSITIES AND COLLEGES**


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**SENATE BILL 05-158**

BY SENATOR(S) Teck, Taylor, Bacon, Entz, Evans, May R., Owen, Takis, Tapia, Groff, Grossman, Hagedorn, Hanna, Hillman, Jones, Keller, Kester, Lamborn, McElhany, Mitchell, Sandoval, Shaffer, Spence, Tochtrop, Tupa, Veiga, Wiens, Williams, Windels, Gordon, and Isgar;  
 also REPRESENTATIVE(S) Witwer, Berens, Borodkin, Carroll M., Carroll T., Cloer, Coleman, Frangas, Gallegos, Harvey, Hoppe, Jahn, Kerr, King, May M., McFadyen, Merrifield, Paccione, Penry, Rose, Solano, Soper, Stafford, Stengel, and Todd.

**AN ACT**

**CONCERNING IN-STATE TUITION STATUS FOR COLORADANS WHO WERE MEMBERS OF THE MILITARY,  
 AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**

*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~~ **is eligible to obtain** FOR in-state status ~~for the member after being~~ IF THE MEMBER IS domiciled in Colorado for twelve continuous months ~~and complying with the provisions of this article or,~~ PRIOR TO ENLISTMENT AND RETURNS TO COLORADO WITHIN SIX MONTHS FOLLOWING DISCHARGE FROM THE MILITARY. A MEMBER OF THE ARMED FORCES SHALL BE ELIGIBLE TO OBTAIN IN-STATE STATUS, 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

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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.*

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 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. Appropriations -- Adjustment to the 2005 long bill.** (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of higher education, college opportunity fund, for student stipend payments, for the fiscal year beginning July 1, 2005, the sum of sixty thousand dollars (\$60,000), or so much thereof as may be necessary.

(2) In addition to any other appropriation, there is hereby appropriated, to the department of higher education, governing boards, for the fiscal year beginning July 1, 2005, the sum of sixty thousand dollars (\$60,000) cash funds exempt, or so much thereof as may be necessary. Said sum shall be from the college opportunity fund created in section 23-18-202 (1) (a), Colorado Revised Statutes.

(3) The general fund appropriation for the department of higher education, fee-for-service contracts, for the fiscal year beginning July 1, 2005, is decreased by sixty thousand dollars (\$60,000).

(4) The cash funds exempt appropriation for the department of higher education, governing boards, for the fiscal year beginning July 1, 2005, is decreased by sixty thousand dollars (\$60,000). Said sum shall be from fee-for-service contracts as specified in subsection (3) of this section.

(5) For the implementation of this bill, the cash funds exempt appropriation in the annual general appropriations act, to the department of higher education, governing boards, from the students' share of tuition, for the fiscal year beginning July 1, 2005, shall be reduced by one hundred eighty-eight thousand seven hundred eight dollars (\$188,708).

**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, 2005