

CHAPTER 353

EDUCATION - UNIVERSITIES AND COLLEGES

SENATE BILL 06-031

BY SENATOR(S) Jones, Boyd, Dyer, Entz, Evans, Hagedorn, Johnson, Kester, Lamborn, May R., McElhany, Mitchell, Shaffer, Spence, Taylor, Teck, Tochtrop, Traylor, Wiens, and Williams;
 also REPRESENTATIVE(S) Merrifield, Berens, Cloer, Coleman, Gallegos, Garcia, Harvey, Hefley, Hodge, Jahn, Kerr J., King, Madden, McFadyen, Paccione, Romanoff, Rose, Solano, Stafford, Todd, and Witwer.

AN ACT**CONCERNING AUTHORIZING PAYMENT OF COLLEGE OPPORTUNITY FUND STIPENDS FOR EDUCATION PROGRAMS ON MILITARY BASES.**

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 is eligible for in-state status if the member is domiciled in Colorado for twelve continuous months 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 dependents, including but not limited to a spouse, upon meeting the requirements of this section. After qualifying as an

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

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. 23-18-202 (5) (d) (I) (F), Colorado Revised Statutes, is amended, and the said 23-18-202 (5) (d) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

23-18-202. College opportunity fund - appropriations - payment of stipends - reimbursement - repeal. (5) (d) (I) An eligible undergraduate student and an institution of higher education shall not receive the payment of a stipend on behalf of an eligible undergraduate student for:

(F) Off-campus, extended campus, or continuing education classes that are not supported by state general fund moneys, except as approved by the commission, AND, ON OR AFTER JULY 1, 2007, EXCEPT FOR CLASSES OR PROGRAMS OFFERED BY AN INSTITUTION OF HIGHER EDUCATION THAT HAS ENTERED INTO A PERFORMANCE CONTRACT WITH THE DEPARTMENT PURSUANT TO SECTION 23-5-129, AND THAT AN ELIGIBLE UNDERGRADUATE STUDENT WHO IS A MEMBER OF THE ARMED FORCES OR A DEPENDENT OF A MEMBER OF THE ARMED FORCES ATTENDS FOR CREDIT ON A MILITARY BASE.

(III) (A) EXCEPT FOR STIPENDS THAT AN INSTITUTION OF HIGHER EDUCATION MAY RECEIVE ON BEHALF OF AN ELIGIBLE UNDERGRADUATE STUDENT, AN INSTITUTION OF HIGHER EDUCATION SHALL IMPLEMENT THE PROVISIONS OF SUB-SUBPARAGRAPH (F) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (d) WITHIN EXISTING RESOURCES.

(B) THIS SUBPARAGRAPH (III) IS REPEALED, EFFECTIVE JULY 1, 2007.

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: June 6, 2006