

## CHAPTER 374

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**EDUCATION - UNIVERSITIES AND COLLEGES**


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**HOUSE BILL 07-1163**

BY REPRESENTATIVE(S) McNulty, Buescher, Butcher, Carroll M., Casso, Frangas, Gardner B., Gardner C., Gibbs, Hicks, Hodge, Jahn, Kerr J., Labuda, Lambert, Looper, Lundberg, Massey, McFadyen, Mitchell V., Rice, Roberts, Romanoff, Rose, Solano, Stafford, Summers, Todd, and Witwer;  
also SENATOR(S) Kopp, Brophy, Hagedorn, Harvey, Kester, McElhany, Mitchell S., Renfroe, Shaffer, Spence, Taylor, Tochtrop, and Wiens.

**AN ACT**

**CONCERNING IN-STATE TUITION STATUS FOR PERSONS IN THE MILITARY, AND MAKING AN APPROPRIATION THEREFOR.**

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

**SECTION 1.** 23-7-103 (1) (c), 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) 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 or a dependent of said member; but a member of the armed forces or a dependent of said member 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.

(B) 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 also be subject to the limitations in subparagraph (H) of this paragraph (c)~~ OR ON A TEMPORARY ASSIGNMENT TO DUTY IN COLORADO.

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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.*

(C) A member of the armed forces may 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 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.

~~(II) The governing board of each institution of higher education may grant in-state tuition status to members of the armed forces or their dependents pursuant to the criteria set forth in subparagraph (f) of this paragraph (c), except that, for the purposes of calculating general fund support of said institution in the general appropriation act for the 1986-87 school year, such persons shall not be counted as resident students. NOTWITHSTANDING ANY PROVISION OF SECTION 23-18-102 (5) TO THE CONTRARY, A MEMBER OF THE ARMED FORCES OR HIS OR HER DEPENDENT WHO OBTAINS IN-STATE STATUS UPON MOVING TO COLORADO ON A TEMPORARY ASSIGNMENT TO DUTY IN COLORADO SHALL NOT BE ELIGIBLE TO RECEIVE A STIPEND PURSUANT TO PART 2 OF ARTICLE 18 OF THIS TITLE UNLESS SAID MEMBER OR DEPENDENT IS ELIGIBLE TO OBTAIN IN-STATE STATUS UNDER ANOTHER PROVISION OF THIS SECTION.~~

(III) Repealed.

**SECTION 2.** 24-76.5-103, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**24-76.5-103. Verification of lawful presence - exceptions - reporting.**  
(4.5) NOTWITHSTANDING THE REQUIREMENTS OF SUBSECTION (4) OF THIS SECTION, AN INSTITUTION OF HIGHER EDUCATION MAY ACCEPT A TUITION CLASSIFICATION CERTIFICATION FORM SIGNED BY AN AUTHORIZED UNITED STATES MILITARY EDUCATION SERVICES OFFICIAL AS EVIDENCE OF AN APPLICANT'S LAWFUL PRESENCE IN THE UNITED STATES.

**SECTION 3.** Article 7 of title 23, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**23-7-108. Tuition classification of Colorado National Guard personnel.**  
(1) NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE TO THE CONTRARY, A MEMBER OF THE COLORADO NATIONAL GUARD WHO MAINTAINS HIS OR HER SOLE RESIDENCE IN COLORADO, OR THE DEPENDENT OF SAID MEMBER OF THE COLORADO NATIONAL GUARD, SHALL RECEIVE IN-STATE TUITION STATUS AT ANY INSTITUTION OF HIGHER EDUCATION IN THIS STATE. SAID MEMBER OF THE COLORADO NATIONAL GUARD SHALL RECEIVE IN-STATE TUITION STATUS REGARDLESS OF WHETHER HE OR SHE IS ELIGIBLE FOR OR IS RECEIVING TUITION ASSISTANCE PURSUANT TO SECTION 23-5-111.4.

(2) A STUDENT WHO IS CLASSIFIED AS AN IN-STATE STUDENT SOLELY PURSUANT TO THIS SECTION SHALL NOT BE COUNTED AS A RESIDENT FOR ANY PURPOSE OTHER THAN TUITION CLASSIFICATION.

(3) NOTWITHSTANDING ANY PROVISION OF SECTION 23-18-102 (5) TO THE CONTRARY, A MEMBER OF THE COLORADO NATIONAL GUARD OR HIS OR HER DEPENDENT WHO IS CLASSIFIED AS AN IN-STATE STUDENT SOLELY PURSUANT TO THIS SECTION SHALL NOT BE ELIGIBLE TO RECEIVE A STIPEND PURSUANT TO PART 2 OF ARTICLE 18 OF THIS TITLE.

**SECTION 4. Repeal.** 23-5-111.4 (4), Colorado Revised Statutes, is repealed as follows:

~~**23-5-111.4. Tuition for members of the National Guard.** (4) If any member of the Colorado National Guard is accepted for enrollment at any designated institution of higher education and such member has not been classified as an in-state student for tuition purposes pursuant to article 7 of this title, the amount paid by the department of military and veterans affairs to the designated institution of higher education pursuant to subsection (2) of this section shall be based on the amount of in-state tuition for that institution.~~

**SECTION 5. Appropriation - appropriations in long bill to be adjusted.** For the implementation of this act, the total cash funds exempt appropriation made in the annual general appropriation act for the fiscal year beginning July 1, 2007, to the department of higher education, for the governing boards, for tuition, is decreased by one hundred twenty thousand four hundred thirty-seven dollars (\$120,437), for the implementation of this act.

**SECTION 6. Effective date.** This act shall take effect July 1, 2007.

**SECTION 7. 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 31, 2007