

## CHAPTER 382

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**EDUCATION - UNIVERSITIES AND COLLEGES**

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**HOUSE BILL 09-1039**

BY REPRESENTATIVE(S) McNulty, Apuan, Baumgardner, Casso, Frangas, Gardner C., Gerou, Kefalas, Kerr J., King S., Lambert, Looper, Middleton, Murray, Nikkel, Priola, Ryden, Schafer S., Sonnenberg, Soper, Stephens, Summers, Tipton, Todd, Vaad, Waller, Labuda, Roberts;  
also SENATOR(S) Kopp, Bacon, Boyd, Brophy, Carroll M., Foster, Gibbs, Groff, Harvey, Heath, Hodge, Isgar, Kester, King K., Lundberg, Mitchell, Morse, Newell, Penry, Renfroe, Romer, Scheffel, Schwartz, Shaffer B., Tochtrop, White, Williams.

**AN ACT**

**CONCERNING IN-STATE TUITION CLASSIFICATION FOR HONORABLY DISCHARGED MILITARY VETERANS, AND MAKING AN APPROPRIATION THEREFOR.**

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

**SECTION 1. Short title.** This act shall be known and may be cited as the "G.I. Promise Act".

**SECTION 2.** 23-7-103 (1) (c) (I) (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) (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, OR THE MEMBER'S SPOUSE OR DEPENDENT, shall not lose ~~the dependent's~~ HIS OR HER ELIGIBILITY FOR in-state tuition status if the member is transferred outside of Colorado OR IF THE MEMBER RETIRES OR SEPARATES FROM THE MILITARY AND REMAINS IN 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

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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.*

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, AND THE ELIGIBILITY SHALL NOT BE AFFECTED IF THE MEMBER IS TRANSFERRED OUTSIDE OF COLORADO OR IF THE MEMBER RETIRES OR SEPARATES FROM THE MILITARY AND REMAINS IN COLORADO; 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 3.** Article 7 of title 23, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**23-7-108.5. Tuition classification of armed forces veterans.**

(1) (a) NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE TO THE CONTRARY, BEGINNING WITH THE FALL SEMESTER OF THE 2009-2010 ACADEMIC YEAR, THE GOVERNING BOARD OF EACH STATE INSTITUTION OF HIGHER EDUCATION IN COLORADO SHALL ADOPT A POLICY THAT GRANTS IN-STATE TUITION STATUS TO AN HONORABLY DISCHARGED MEMBER OF THE ARMED FORCES OF THE UNITED STATES WHO ENROLLS IN SAID STATE INSTITUTION OF HIGHER EDUCATION AND WHO MEETS, FOR ANY LENGTH OF TIME, THE PRESUMPTIONS AND RULES FOR MAINTAINING A DOMICILE IN COLORADO DESCRIBED IN SECTION 23-7-103.

(b) NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE TO THE CONTRARY, BEGINNING WITH THE FALL SEMESTER OF THE 2009-2010 ACADEMIC YEAR, THE GOVERNING BOARD OF EACH STATE INSTITUTION OF HIGHER EDUCATION IN COLORADO MAY ADOPT A POLICY THAT GRANTS IN-STATE TUITION STATUS TO A DEPENDENT OF AN HONORABLY DISCHARGED MEMBER OF THE ARMED FORCES OF THE UNITED STATES WHO ENROLLS IN SAID STATE INSTITUTION OF HIGHER EDUCATION IF THE SAID HONORABLY DISCHARGED MEMBER OF THE ARMED FORCES MEETS, FOR ANY LENGTH OF TIME, THE PRESUMPTIONS AND RULES FOR MAINTAINING A DOMICILE IN COLORADO DESCRIBED IN SECTION 23-7-103.

(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; EXCEPT THAT, BEGINNING WITH THE FALL SEMESTER OF THE 2011-2012 ACADEMIC YEAR, UPON SUCH CLASSIFICATION AS AN IN-STATE STUDENT PURSUANT TO THIS SECTION, THE STUDENT SHALL ALSO BE ELIGIBLE TO RECEIVE A STIPEND FROM THE COLLEGE OPPORTUNITY FUND PURSUANT TO PART 2 OF ARTICLE 18 OF THIS TITLE.

**SECTION 4. Adjustment to the 2009 long bill.** For the implementation of this act, cash fund appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2009, from the students' share of tuition, to the department of higher education, governing boards, shall be reduced as follows:

(1) for the trustees of adams state college thirty-eight thousand three hundred seventy dollars (\$38,370);

(2) for the trustees of mesa state college, seventy thousand one hundred eighty-four dollars (\$70,184);

(3) for the trustees of metropolitan state college of Denver, sixty thousand nine

hundred fifty-six dollars (\$60,956);

(4) for the trustees of western state college, eight thousand nine hundred seventy-six dollars (\$8,976);

(5) for the trustees of fort lewis college, one hundred ninety-seven thousand fifty-six dollars (\$197,056);

(6) for the board of governors of the Colorado state university system, seven hundred twenty-one thousand nine hundred ninety-three dollars (\$721,993);

(7) for the board of regents of the university of Colorado, seven hundred twenty-six thousand ninety-seven dollars (\$726,097);

(8) for the trustees of the Colorado school of mines, forty-two thousand twenty-four dollars (\$42,024); and,

(9) for the state board of community colleges and occupational education state system community colleges, ten thousand eight hundred fifty-six dollars (\$10,856).

**SECTION 5. Act subject to petition - effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 5, 2009, if adjournment sine die is on May 6, 2009); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: June 2, 2009