

## CHAPTER 362

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**EDUCATION - POSTSECONDARY**


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**HOUSE BILL 13-1194**

BY REPRESENTATIVE(S) Everett, Saine, Holbert, Nordberg, Rankin, Wright, Priola, Murray, Buck, DelGrosso, Garcia, Landgraf, Lawrence, Melton, Navarro, Pabon, Scott, Wilson, Conti, Duran, Exum, Fields, Foote, Gardner, Ginal, Hamner, Joshi, Kagan, Kraft-Tharp, Labuda, Lebock, May, Mitsch Bush, Moreno, Pettersen, Primavera, Rosenthal, Ryden, Salazar, Singer, Vigil, Williams, Young, Buckner, Lee, McLachlan, Schafer, Stephens, Tyler;  
 also SENATOR(S) Marble, Lundberg, Aguilar, Baumgardner, Brophy, Cadman, Carroll, Crowder, Grantham, Heath, Hill, Hudak, Jahn, Johnston, Kefalas, Kerr, King, Lambert, Newell, Nicholson, Roberts, Scheffel, Tochtrop, Todd, Morse.

**AN ACT**

**CONCERNING IN-STATE STUDENT CLASSIFICATION FOR DEPENDANTS OF MEMBERS OF THE ARMED FORCES, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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

**SECTION 1.** In Colorado Revised Statutes, 23-7-103, **amend** (1) (c) (I) (C); and **add** (1) (c) (I) (D) as follows:

**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 DEPENDENT OF A member of the armed forces ~~may apply~~ IS ELIGIBLE 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~~ WHEN THE MEMBER MOVES TO COLORADO ON A PERMANENT CHANGE-OF-STATION BASIS, REGARDLESS OF THE LENGTH OF THE MEMBER'S OR DEPENDENT'S RESIDENCY IN COLORADO. 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 member of the armed forces of the United States on active duty, or the member's ~~spouse or dependent,~~ shall not lose 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 attends a public~~

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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.*

~~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.~~ AS USED IN THIS SUB-PARAGRAPH (C), "DEPENDENT" MEANS A SPOUSE OF A MEMBER OF THE ARMED SERVICES WHO WAS THE MEMBER'S SPOUSE AT THE TIME THAT THE MEMBER WAS STATIONED IN COLORADO AND AT THE TIME THE SPOUSE IS REQUESTING IN-STATE TUITION CLASSIFICATION AND ANY CHILD UNDER TWENTY-TWO YEARS OF AGE BORN TO OR LEGALLY ADOPTED BY THE MEMBER OF THE ARMED FORCES WHO ENROLLS IN A PUBLIC INSTITUTION OF HIGHER EDUCATION WITHIN TEN YEARS AFTER THE MEMBER WAS STATIONED IN COLORADO.

(D) NOTHING IN THIS SUBPARAGRAPH (I) SHALL BE INTERPRETED TO DENY A PERSON IN-STATE TUITION CLASSIFICATION AFTER THAT PERSON IS FOUND ELIGIBLE FOR SUCH CLASSIFICATION NOR TO DENY IN-STATE TUITION CLASSIFICATION TO ANY PERSON WHO IS ELIGIBLE FOR SUCH CLASSIFICATION UNDER ANY OTHER PROVISION OF LAW.

**SECTION 2. Appropriation.** (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, for the fiscal year beginning July 1, 2013, the sum of \$22,621, or so much thereof as may be necessary, to be allocated for the implementation of this act as follows:

(a) \$3,421 for Colorado commission on higher education financial aid for need based grants; and

(b) \$19,200 for college opportunity fund program stipends for students attending state institutions.

(2) In addition to any other appropriation, there is hereby appropriated to the department of higher education, for the fiscal year beginning July 1, 2013, the sum of \$19,200 from reappropriated funds received from the appropriation made in paragraph (b) of subsection (1) of this section. Said sum, or so much thereof as may be necessary, is allocated for the implementation of this act as follows:

Trustees of Metropolitan state university of Denver	\$1,920
Board of governors of the Colorado state university system	3,840
Regents of the university of Colorado	3,840
University of Northern Colorado	1,920
State board for community colleges and occupational education state system community colleges	7,680

(3) The general assembly anticipates that, for the fiscal year beginning July 1,

2013, the department of higher education will receive the sum of \$68,790 in student tuition for the implementation of this act. This amount is subject to the (I) notation as defined in the annual general appropriations act. Although these funds are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds. Said sum shall be allocated to the governing boards as follows:

Trustees of Metropolitan state university of Denver	\$5,571
Board of governors of the Colorado state university system	17,422
Regents of the university of Colorado	21,806
University of Northern Colorado	7,159
State board for community colleges and occupational education state system community colleges	16,832

**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 28, 2013