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SENATE BILL 25-247

BY SENATOR(S) Bridges and Kirkmeyer, Amabile, Carson, Catlin, Cutter, Exum, Kipp, Marchman, Michaelson Jenet, Mullica, Weissman, Coleman; also REPRESENTATIVE(S) Bird and Taggart, Sirota, Armagost, Bacon, Boesenecker, Bottoms, Bradley, Caldwell, Camacho, Clifford, Garcia Sander, Johnson, Joseph, Keltie, Rutinel, Stewart K., Story, McCluskie.

CONCERNING TUITION WAIVERS FOR MEMBERS OF THE COLORADO NATIONAL GUARD, 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, 23-7.4-302, **amend** (1), (5), (6), (7), and (9)(a); and **repeal and reenact, with amendments**, (2) and (3) as follows:

23-7.4-302. Tuition waiver for members of the National Guard - rules - fund - legislative declaration - definitions - repeal. (1) The general assembly recognizes its responsibility for the establishment and maintenance of a strong, well-trained, and high-spirited National Guard. The encouragement of membership in the guard through the granting of

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

~~reduced or~~ free tuition at certain institutions of postsecondary education simultaneously expresses a commitment to a part of this responsibility and supports existing institutions, carrying out a policy of maintaining reasonable access to quality education as broadly in this state as possible. The general assembly ~~hereby~~ finds and declares that the establishment of a tuition ~~assistance~~ WAIVER program will encourage enlistments, enhance the knowledge and skills of the National Guard, and retain membership in the National Guard.

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "DESIGNATED INSTITUTION OF HIGHER EDUCATION" MEANS:

(I) ADAMS STATE UNIVERSITY;

(II) COLORADO STATE UNIVERSITY;

(III) COLORADO STATE UNIVERSITY - GLOBAL CAMPUS;

(IV) COLORADO STATE UNIVERSITY - PUEBLO;

(V) COLORADO MESA UNIVERSITY;

(VI) METROPOLITAN STATE UNIVERSITY OF DENVER;

(VII) FORT LEWIS COLLEGE;

(VIII) WESTERN COLORADO UNIVERSITY;

(IX) UNIVERSITY OF NORTHERN COLORADO;

(X) UNIVERSITY OF COLORADO AT BOULDER;

(XI) UNIVERSITY OF COLORADO AT DENVER;

(XII) UNIVERSITY OF COLORADO AT COLORADO SPRINGS;

(XIII) UNIVERSITY OF COLORADO HEALTH SCIENCES CENTER;

(XIV) COLORADO SCHOOL OF MINES;

(XV) COMMUNITY COLLEGES THAT ARE GOVERNED BY THE STATE BOARD FOR COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION;

(XVI) AN AREA TECHNICAL COLLEGE; AND

(XVII) A LOCAL DISTRICT COLLEGE.

(b) "MEMBER" MEANS AN ENLISTED MEMBER OR OFFICER OF THE COLORADO NATIONAL GUARD.

(3) (a) SUBJECT TO ANNUAL APPROPRIATIONS, A PERSON WHO IS A MEMBER OF THE COLORADO NATIONAL GUARD, UPON BEING ACCEPTED FOR ENROLLMENT AT A DESIGNATED INSTITUTION OF HIGHER EDUCATION, MAY PURSUE STUDIES THAT LEAD TO A POSTGRADUATE DEGREE, A BACHELOR'S DEGREE, AN ASSOCIATE DEGREE, OR A CERTIFICATE OF COMPLETION WITH ALL TUITION WAIVED. FOR A MEMBER, THE TUITION WAIVER MUST NOT EXCEED MORE THAN SIXTY-FIVE CREDIT HOURS AT A DESIGNATED TWO-YEAR INSTITUTION OF HIGHER EDUCATION AND NO MORE THAN ONE HUNDRED THIRTY CREDIT HOURS AT A DESIGNATED FOUR-YEAR INSTITUTION OF HIGHER EDUCATION; EXCEPT THAT THE TOTAL CREDIT HOURS FOR A MEMBER WHO ATTENDS BOTH A DESIGNATED TWO-YEAR AND A DESIGNATED FOUR-YEAR INSTITUTION OF HIGHER EDUCATION MUST NOT EXCEED MORE THAN ONE HUNDRED FORTY-FIVE CREDIT HOURS. THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS SHALL ADMINISTER THE TUITION WAIVER PROGRAM.

(b) (I) TO PREVENT HARDSHIP TO A DESIGNATED INSTITUTION OF HIGHER EDUCATION, IF THERE IS A SIGNIFICANT INCREASE IN THE MEMBER ENROLLMENT IN THE TUITION WAIVER PROGRAM, THE NUMBER OF MEMBERS ATTENDING WITH A TUITION WAIVER MUST NOT EXCEED THE GREATER OF:

(A) A TWENTY-FIVE PERCENT INCREASE IN MEMBER ENROLLMENT IN A DESIGNATED INSTITUTION OF HIGHER EDUCATION COMPARED TO THE MEMBER CALCULATION DESCRIBED IN SUBSECTION (3)(b)(II) OF THIS SECTION; OR

(B) MORE THAN FIVE ADDITIONAL MEMBERS ENROLLED IN A DESIGNATED INSTITUTION OF HIGHER EDUCATION COMPARED TO THE

MEMBER CALCULATION DESCRIBED IN SUBSECTION (3)(b)(II) OF THIS SECTION.

(II) FOR EACH DESIGNATED INSTITUTION OF HIGHER EDUCATION, THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS SHALL DETERMINE THE BASE MEMBER ENROLLMENT DESCRIBED IN SUBSECTION (3)(b)(I)(A) OR (3)(b)(I)(B) OF THIS SECTION BY CALCULATING THE AVERAGE FALL SEMESTER MEMBER ENROLLMENT AT THE DESIGNATED INSTITUTION OF HIGHER EDUCATION FOR THE PREVIOUS THREE FALL SEMESTERS. THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS, IN CONSULTATION WITH DESIGNATED INSTITUTIONS OF HIGHER EDUCATION, SHALL ADOPT RULES TO DETERMINE HOW TO SELECT MEMBERS TO PARTICIPATE IN THE TUITION WAIVER PROGRAM IF A SIGNIFICANT INCREASE IN MEMBER ENROLLMENT IN THE TUITION WAIVER PROGRAM OCCURS PURSUANT TO SUBSECTION (3)(b)(I) OF THIS SECTION.

(III) THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS SHALL DETERMINE COMMUNITY COLLEGE MEMBER ENROLLMENT CAPS FOR EACH COMMUNITY COLLEGE. THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS SHALL PROVIDE FUNDS TO THE STATE BOARD OF COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION FOR TUITION WAIVERS. THE STATE BOARD OF COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION SHALL DISTRIBUTE THE FUNDS TO EACH COMMUNITY COLLEGE IN WHICH A MEMBER IS ENROLLED.

(IV) (A) THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS MAY REQUEST ADJUSTMENTS TO THE ANNUAL APPROPRIATION BASED ON CHANGES TO COLORADO NATIONAL GUARD MEMBER ENROLLMENT AND CHANGES TO THE COST OF TUITION.

(B) IF THE DIFFERENCE BETWEEN THE CALCULATED TUITION FOR BASE MEMBER ENROLLMENT, AS DESCRIBED IN SUBSECTION (3)(b)(II) OF THIS SECTION, AND THE ANNUAL APPROPRIATION IS LESS THAN TWENTY-FIVE PERCENT, THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS MAY PRORATE FUNDING AND DISTRIBUTE FUNDS TO EACH DESIGNATED INSTITUTION OF HIGHER EDUCATION PROPORTIONATELY.

(C) IF THE DIFFERENCE BETWEEN THE CALCULATED TUITION FOR BASE MEMBER ENROLLMENT, AS DESCRIBED IN SUBSECTION (3)(b)(II) OF THIS SECTION, AND THE ANNUAL APPROPRIATION IS MORE THAN

TWENTY-FIVE PERCENT, THE TUITION WAIVER PROGRAM IS SUSPENDED AND THE DESIGNATED INSTITUTIONS OF HIGHER EDUCATION SHALL DISTRIBUTE THE REMAINING TUITION WAIVER FUNDS ON A FIRST-COME, FIRST-SERVE BASIS TO MEMBERS UNTIL THE TUITION WAIVER FUNDS ARE EXHAUSTED.

(c) THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS SHALL ESTABLISH CRITERIA FOR MEMBERS WHO ATTEND POSTGRADUATE DEGREE PROGRAMS.

(d) IN ORDER TO QUALIFY FOR THE TUITION WAIVER PROGRAM AUTHORIZED BY THIS SECTION, A MEMBER MUST:

(I) BE ACCEPTED BY A DESIGNATED INSTITUTION OF HIGHER EDUCATION;

(II) BE IN GOOD STANDING WITH THE COLORADO NATIONAL GUARD;
AND

(III) COMPLETE A COLORADO APPLICATION FOR STATE FINANCIAL AID OR A FREE APPLICATION FOR FEDERAL STUDENT AID.

~~(5) For each individual member of the Colorado National Guard who is a continuing student and who is receiving tuition assistance as provided in this section, the department of military and veterans affairs shall obtain certification from the designated institution of higher education prior to the payment to the institution attesting to the member's current satisfactory academic standing at the designated institution of higher education, as determined by military regulations promulgated pursuant to subsection (7) of this section, for each semester or quarter for which tuition assistance is requested. Tuition assistance shall not be granted without such certification.~~ EACH DESIGNATED INSTITUTION OF HIGHER EDUCATION SHALL DETERMINE IF A MEMBER ENROLLED WITH THE DESIGNATED INSTITUTION OF HIGHER EDUCATION REMAINS IN SATISFACTORY ACADEMIC STANDING IN ACCORDANCE WITH THE ACADEMIC POLICIES OF THE DESIGNATED INSTITUTION OF HIGHER EDUCATION AND IS MAKING PROGRESS TOWARD THE COMPLETION OF THE REQUIREMENTS OF THE EDUCATION PROGRAM IN WHICH THE MEMBER IS ENROLLED. IF THE DESIGNATED INSTITUTION OF HIGHER EDUCATION FINDS THAT THE MEMBER IS NOT IN SATISFACTORY ACADEMIC STANDING IN ACCORDANCE WITH THE ACADEMIC POLICIES OF THE DESIGNATED INSTITUTION OF HIGHER EDUCATION OR IS NOT MAKING

PROGRESS TOWARD THE COMPLETION OF THE REQUIREMENTS OF THE EDUCATION PROGRAM IN WHICH THE MEMBER IS ENROLLED, THE MEMBER MUST REIMBURSE THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS PURSUANT TO SUBSECTION (6) OF THIS SECTION.

(6) Any member who leaves the Colorado National Guard in violation of the member's agreement under subsection (2) of this section during an academic term for which the member is receiving tuition assistance is required to repay to the department of military and veterans affairs the amount of tuition ~~assistance~~ WAIVER granted for that academic term and any and all collection fees incurred by the department of military and veterans affairs. The repayment of tuition assistance ~~shall~~ MUST be credited to the Colorado National Guard tuition fund created in subsection (9) of this section.

(7) The department of military and veterans affairs shall ~~promulgate military regulations for the administration of tuition assistance as provided in this section including, but not limited to, the following:~~ ADOPT RULES TO CERTIFY MEMBER ELIGIBILITY AT THE REQUEST OF A DESIGNATED INSTITUTION OF HIGHER EDUCATION, TO COMMUNICATE MEMBER ELIGIBILITY TO THE DESIGNATED INSTITUTION OF HIGHER EDUCATION, AND TO ADMINISTER THE TUITION WAIVER PROGRAM PURSUANT TO THIS SECTION.

~~(a) Criteria for the eligibility of a member of the National Guard for tuition assistance. In establishing this criteria, the department of military and veterans affairs shall include, but not be limited to, consideration of the following:~~

~~(i) The member's past service and record, if any, in the National Guard;~~

~~(ii) An evaluation of the member's commitment to future service in the National Guard;~~

~~(iii) The member's military record, if any, including the member's achievements and whether the member has been honorably discharged;~~

~~(iv) The benefit to the National Guard by having such an individual as a member;~~

~~(V) Financial need, merit, or talent;~~

~~(b) Procedures to be followed by designated institutions of higher education in reporting the member's academic standing and in providing timely billing to the department of military and veterans affairs;~~

~~(c) A definition of satisfactory academic standing, including, but not limited to, consideration of the member's cumulative grade point average, credit hours completed, and progress toward a degree.~~

(9) (a) ~~There is created in the state treasury~~ The Colorado National Guard tuition fund ~~which~~ IS CREATED IN THE STATE TREASURY AND is administered by the department of military and veterans affairs. ~~and which consists of all~~ THE TUITION FUND CONSISTS OF money that ~~may be~~ IS appropriated ~~thereto~~ by the general assembly or that is otherwise ~~made~~ available to it by the general assembly. Money "otherwise made available" includes any repayment of tuition ~~assistance~~ WAIVERS made pursuant to subsection (6) of this section. The money in the fund is continuously appropriated for the payment of tuition ~~assistance~~ WAIVERS as ~~provided~~ DESCRIBED in this section. Any money not expended at the end of the fiscal year remains in the fund and ~~shall not be~~ IS NOT transferred to or ~~revert~~ REVERTED to the general fund of the state.

SECTION 2. Appropriation. For the 2025-26 state fiscal year, \$562,787 is appropriated to the department of military and veterans affairs for use by the executive director's office. This appropriation is from the general fund. To implement this act, the division may use this appropriation for the Colorado National Guard tuition waiver.

SECTION 3. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for

the support and maintenance of the departments of the state and state institutions.

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO