

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0573.02 Jane Ritter x4342

HOUSE BILL 16-1125

HOUSE SPONSORSHIP

Roupe, Carver, Landgraf, Lontine, Dore

SENATE SPONSORSHIP

Baumgardner, Garcia, Lambert, Todd

House Committees

State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 CONCERNING CREATING A COLORADO STATUTORY REFERENCE TO
102 CONFORM WITH THE FEDERAL DEFINITION OF "VETERAN".

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill creates a Colorado statutory reference to conform with the federal definition of "veteran".

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

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 **SECTION 1. Legislative declaration.** The general assembly
2 finds and declares that it is beneficial to establish in Colorado law a
3 consistent definition of "veteran" and that it would be beneficial for this
4 definition to align with the federal definition of "veteran". The general
5 assembly also finds that the establishment of a consistent definition
6 should not limit the ability of the legislature to use an alternate definition,
7 as appropriate, for specific legislation.

8 **SECTION 2.** In Colorado Revised Statutes, **add** 28-5-100.3 as
9 follows:

10 **28-5-100.3. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
11 CONTEXT OTHERWISE REQUIRES:

12 (1) "ADMINISTRATOR" MEANS THE ADMINISTRATOR OF VETERANS'
13 AFFAIRS OF THE UNITED STATES OR HIS OR HER SUCCESSOR.

14 (2) "BENEFITS" MEANS ALL MONEYS PAID OR PAYABLE BY THE
15 UNITED STATES THROUGH THE VETERANS ADMINISTRATION.

16 (3) "ESTATE" MEANS INCOME ON HAND AND ASSETS ACQUIRED
17 PARTIALLY OR WHOLLY WITH INCOME.

18 (4) "GUARDIAN" MEANS ANY FIDUCIARY FOR THE PERSON OR
19 ESTATE OF A WARD.

20 (5) "INCOME" MEANS MONEYS RECEIVED FROM THE VETERANS
21 ADMINISTRATION AND REVENUE OR PROFIT FROM ANY PROPERTY WHOLLY
22 OR PARTIALLY ACQUIRED THEREWITH.

23 (6) "PERSON" MEANS AN INDIVIDUAL, A PARTNERSHIP, A
24 CORPORATION, OR AN ASSOCIATION.

25 (7) "VETERAN" MEANS A PERSON WHO SERVED IN THE ACTIVE
26 MILITARY, NAVAL, OR AIR SERVICE OF THE UNITED STATES AND WHO WAS
27 DISCHARGED OR RELEASED UNDER CONDITIONS OTHER THAN

1 DISHONORABLE, IN ACCORDANCE WITH U.S.C. TITLE 38, AS AMENDED.

2 (8) "VETERANS ADMINISTRATION" MEANS THE VETERANS
3 ADMINISTRATION, ITS PREDECESSORS, OR ITS SUCCESSORS.

4 (9) "WARD" MEANS A BENEFICIARY OF THE VETERANS
5 ADMINISTRATION.

6 **SECTION 3.** In Colorado Revised Statutes, **repeal** 28-5-202.

7 **SECTION 4.** In Colorado Revised Statutes, 23-7-108.5, **amend**
8 (1) (a) and (1) (b) as follows:

9 **23-7-108.5. Tuition classification of United States military**
10 **veterans.** (1) (a) Notwithstanding any provision of this article to the
11 contrary, beginning with the fall semester of the 2009-2010 academic
12 year, the governing board of each state institution of higher education in
13 Colorado shall adopt a policy that grants in-state tuition status to ~~an~~
14 ~~honorably discharged member of the armed forces of the United States~~ A
15 PERSON WHO SERVED IN THE ACTIVE MILITARY, NAVAL, OR AIR SERVICE OF
16 THE UNITED STATES AND WHO WAS DISCHARGED OR RELEASED UNDER
17 CONDITIONS OTHER THAN DISHONORABLE, IN ACCORDANCE WITH U.S.C.
18 TITLE 38, AS AMENDED, who enrolls in said state institution of higher
19 education, and who meets, for any length of time, the presumptions and
20 rules for maintaining a domicile in Colorado described in section
21 23-7-103.

22 (b) Notwithstanding any provision of this article to the contrary,
23 beginning with the fall semester of the 2009-2010 academic year, the
24 governing board of each state institution of higher education in Colorado
25 may adopt a policy that grants in-state tuition status to a dependent of ~~an~~
26 ~~honorably discharged member of the armed forces of the United States~~ A
27 PERSON WHO SERVED IN THE ACTIVE MILITARY, NAVAL, OR AIR SERVICE OF

1 THE UNITED STATES AND WHO WAS DISCHARGED OR RELEASED UNDER
2 CONDITIONS OTHER THAN DISHONORABLE, IN ACCORDANCE WITH U.S.C.
3 TITLE 38, AS AMENDED, AND who enrolls in said state institution of higher
4 education if the ~~said honorably~~ discharged OR RELEASED member of the
5 armed forces meets, for any length of time, the presumptions and rules for
6 maintaining a domicile in Colorado described in section 23-7-103.

7 **SECTION 5.** In Colorado Revised Statutes, **amend** 28-5-223 as
8 follows:

9 **28-5-223. Application.** The provisions of this part 2 relating to
10 surety bonds and the administration of estates of wards shall apply to all
11 "income" and "estate" as defined in ~~section 28-5-202~~ SECTION 28-5-100.3,
12 whether the guardian has been appointed under this part 2 or under any
13 other law of this state, special or general, prior or subsequent to the
14 enactment of this part 2.

15 **SECTION 6. Act subject to petition - effective date.** This act
16 takes effect at 12:01 a.m. on the day following the expiration of the
17 ninety-day period after final adjournment of the general assembly (August
18 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
19 referendum petition is filed pursuant to section 1 (3) of article V of the
20 state constitution against this act or an item, section, or part of this act
21 within such period, then the act, item, section, or part will not take effect
22 unless approved by the people at the general election to be held in
23 November 2016 and, in such case, will take effect on the date of the
24 official declaration of the vote thereon by the governor.