MILITARY ISSUES

Benefits, Entitlements, and Services

Education

HB 08-1068 (Postponed Indefinitely)
Tuition Waiver Purple Heart Military

HB 08-1162 (Enacted)
Military Spouse Interim Education
Authorization

HB 08-1252 (Enacted) Tuition Assistance Colorado National Guard

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Military Children

SB 08-166 (Enacted) National Guard College Opportunity Fund SJR 08-015 (Adopted)
Endorse Veterans Education
Assistance Act

Unemployment Insurance

HB 08-1180 (Enacted)
Unemployment Insurance Benefits
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Property Tax Exemption

SCR 08-001 (Postponed Indefinitely)
Expand Existing Property Tax
Exemptions

Military Family Relief Fund

HB 08-1035 (Enacted)
Military Family Relief Fund Checkoff

Wildlife Licenses

SB 08-108 (Enacted)
Purple Heart Recipients Wildlife
License

Other

Custody Orders

HB 08-1176 (Enacted) Custody Orders Military Deployment

Veterans Trust Fund

HB 08-1078 (Enacted) Repay Colorado State Veterans Trust Fund

During the 2008 legislative session, the General Assembly considered numerous issues regarding those currently serving in the military and their families, as well as Colorado veterans. A summary of the legislation considered by the General Assembly pertaining to military issues follows, grouped by subject.

Benefits, Entitlements, and Services

Education. House Bill 08-1162 allows the Colorado Department of Education to issue an interim authorization allowing a school district to employ the spouse of an active duty member of the military who has transferred or is scheduled to transfer to Colorado, lives in Colorado, or has moved to Colorado on a permanent change-of-station basis. To qualify, the spouse must be certified or licensed, or be eligible for certification or licensure, as a teacher, special services provider, principal, or administrator in another state, and have not completed the process for obtaining an initial teacher license in Colorado.

The bill allows the department to contract with a third party to assist applicants in obtaining the required fingerprint-based criminal history record check, and requires the Colorado Bureau of Investigation to return the results of a record check submitted by an applicant within 60 days of receiving it. Under the bill, the department is required to issue the interim authorization to a qualifying spouse within 90 days of receipt of an application. The authorization is valid for one year and the department may renew the authorization for an additional year. Periods worked under a military spouse interim authorization are applied toward the three continuous years of employment requirement for removing the probationary teacher status. If a military spouse completes an induction program while employed under an interim authorization, he or she may apply credit for the program toward meeting the requirements for a professional license.

Prior to the passage of **House Bill 08-1252**, state law allowed members of the Colorado National Guard enrolled at a *state* institution of higher education to receive tuition assistance from the state Department of Military and Veterans Affairs. House Bill 08-1252 extends the tuition assistance to members of the Guard who are enrolled in an accredited certificate or degree program in homeland security at a *private* higher education institution that is eligible for state College Opportunity Fund stipends. The tuition benefit is provided at the discretion of the adjutant general.

House Bill 08-1317 approves and ratifies the Interstate Compact on Educational Opportunity for Military Children, and requires the governor to enter into the compact on behalf of Colorado with other states for the purpose of removing barriers to educational success imposed on children of military families by their parents' frequent moves and deployment. To this end, the compact:

- facilitates the timely enrollment of children of military families;
- creates agreements among participating states regarding the transfer of education records;
- sets the time period for which a transferring student must obtain immunizations required by a receiving state;
- requires participating states to allow transferring students who have completed a prerequisite grade level to enroll in the next highest grade level regardless of age;
- requires schools in participating states to place a transferring student in programs comparable to programs the student attended in the sending state, while allowing local officials to waive certain program prerequisites;
- allows local education officials to grant additional excused absences to military children when a parent is deploying, returning from a deployment, or on leave;
- streamlines qualifications and eligibility for enrollment, educational programs, and participation in extracurricular activities for military children;
- facilitates the on-time graduation of children of military families; and
- requires participating states to create a state council to coordinate among its state and local agencies and military installations regarding compliance with the compact.

House Bill 08-1317 further creates the Interstate Commission on Educational Opportunity for Military Children, and grants rule-making authority to the commission to achieve the purposes of the compact. Each of the compact's member states appoints one voting member to the commission, and the commission consists of a number of additional nonvoting members representing certain interested organizations. The bill also establishes the process by which a member state may withdraw from the compact. The compact takes effect if ten states adopt it, and is dissolved if the number of participating states is reduced to one. Finally, the bill requires the House and Senate State, Veterans, and Military Affairs committees and the Colorado Department of Education to review the provisions of the compact annually.

Senate Bill 08-166 extends College Opportunity Fund stipend eligibility to Colorado National Guard members receiving in-state tuition status.

Senate Joint Resolution 08-015 expresses the General Assembly's support for and encourages Congress to adopt the federal "Post 9/11 Veterans Educational Assistance Act of 2007," which is proposed legislation that seeks to expand the list of educational benefits offered to military personnel who have served since September 11, 2001.

House Bill 08-1068, which was postponed indefinitely, would have required state higher education institutions to waive tuition costs for individuals who received a Purple Heart or superior decoration of miliary combat, including the Medal of Honor, the Navy Cross, the Air Force Cross, the Distinguished Service Cross, the Silver Star, the Distinguished Flying Cross, or the Bronze Star with Combat "V." To be eligible, the bill would have required an individual to:

- have received the medal while a legal resident of Colorado;
- be accepted as a degree-seeking student;
- be enrolled as a full-time, part-time, or summer school undergraduate or graduate student; and
- submit specified documentation of the award.

The bill specified that the sum of tuition assistance from all sources, including federal assistance, was not to exceed 100 percent of the tuition cost.

Unemployment insurance. House Bill 08-1180 removes the limitation that an active duty military member's transfer must be for medical-related purposes during a time of war for the member's spouse to be eligible for unemployment insurance benefits, extending eligibility to spouses of all members transferred as part of their military responsibilities. The Division of Employment and Training within the Department of Labor and Employment makes unemployment insurance award determinations. The bill requires the division to maintain records of the number of spouses claiming and awarded unemployment benefits as a result of a spouse's military transfer, along with the amount of benefits awarded, and to annually report its findings to the House Business Affairs and Labor and Senate Business, Labor, and Technology committees for a period of ten years.

Property tax exemption. Senate Concurrent Resolution 08-001, which was postponed indefinitely, would have extended the current homestead property tax exemption to certain individuals and under certain circumstances. Under the resolution, a homeowner who is the surviving spouse of a disabled veteran who previously qualified for the property tax exemption would have qualified for the exemption. The homestead property tax exemption is equal to 50 percent of the first \$200,000 of actual value of residential real property.

Military Family Relief Fund. House Bill 08-1035 extends through tax year 2010 the requirement that state income tax forms contain a line allowing taxpayers to make a voluntary contribution to the Military Family Relief Fund. Money from the fund is used to make financial hardship grants to members of the Colorado National Guard or reservists and their families when ordered to active military duty, as well as to active duty military personnel stationed in Colorado and their family members when the active duty member is deployed to a declared hostile fire zone.

Wildlife licenses. Senate Bill 08-108 allows Colorado recipients of the Purple Heart for service in the United States armed forces to receive, free of charge, a lifetime resident combination small game hunting and fishing license from the Division of Wildlife.

Other Military Issues

The General Assembly approved a pair of bills regarding military and veterans issues not directly related to benefits, entitlements, and services. One bill seeks to address parenting challenges associated with active-duty deployment, while the other restores funding for certain veterans programs.

Custody orders. House Bill 08-1176 requires an order modifying parental responsibilities or parenting time based solely on a parent's active duty military deployment to be an interim order. Upon return of the parent from active duty deployment, the interim order must be vacated, and the orders concerning parental responsibilities and parenting time that were in effect at the time the interim order was entered are reinstated without court action. The bill does not affect efforts on the part of a parent to modify allocation of parental responsibilities and parenting time after the interim order is vacated. Parents are required to address child support modification when a motion for an interim order is filed.

Veterans Trust Fund. House Bill 08-1078 transfers \$2,917,300 from the General Fund to the Colorado State Veterans Trust Fund. In FY 2002-03, the General Assembly transferred the trust fund's balance to the General Fund. The bill restores the balance, with interest. Under the bill, the transferred moneys must be retained as principal. Interest generated by the principal will be available to the State Board of Veterans Affairs for the following activities:

- capital improvement projects for veterans nursing homes;
- veterans cemetery costs; and
- grants to nonprofit veterans programs.