

CHAPTER 402

EDUCATION - UNIVERSITIES AND COLLEGES

HOUSE BILL 07-1256

BY REPRESENTATIVE(S) Massey and Butcher, Benefield, Borodkin, Jahn, Kerr J., McFadyen, McNulty, Rose, Sonnenberg, Todd, May M., Mitchell V., Summers, Labuda, and Stephens;
also SENATOR(S) Williams.

AN ACT

CONCERNING IN-STATE TUITION FOR PERSONS WHO MOVE TO COLORADO AS THE RESULT OF AN ECONOMIC DEVELOPMENT INCENTIVE, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

- (a) It is in the best interests of the state for businesses to relocate to Colorado;
- (b) It is also in the best interests of the state to have a highly educated workforce;
and
- (c) When businesses relocate to another state, it can cause significant interruptions for those persons employed by the businesses who are relocated, including the education of the businesses' employees.

(2) Therefore, the general assembly declares it is rational and in the best interests of the state to provide in-state tuition to employees who move to the state as a result of their employer relocating to the state.

SECTION 2. Article 7 of title 23, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

23-7-109. Tuition classification for employees or employees' children of companies who move to Colorado. (1) (a) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE TO THE CONTRARY, BUT SUBJECT TO SUBSECTIONS (2) AND (3) OF THIS SECTION, A STUDENT WHO OTHERWISE WOULD NOT BE CLASSIFIED

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

AS AN IN-STATE STUDENT FOR TUITION PURPOSES UNDER THIS ARTICLE MAY BE CLASSIFIED AS AN IN-STATE STUDENT FOR PURPOSES OF TUITION AT ANY STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION IF THE STUDENT OR THE STUDENT'S PARENT OR LEGAL GUARDIAN MOVED TO COLORADO IN THE TWELVE MONTHS PRECEDING ENROLLMENT AS A RESULT OF THE STUDENT'S EMPLOYER OR THE EMPLOYER OF THE STUDENT'S PARENT OR LEGAL GUARDIAN MOVING ALL OR A PORTION OF ITS OPERATIONS TO COLORADO AS A RESULT OF RECEIVING AN INCENTIVE FROM THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT, CREATED IN SECTION 24-48.5-101, C.R.S., OR AN INCENTIVE FROM A LOCAL GOVERNMENT ECONOMIC INCENTIVE PROGRAM. EACH STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION SHALL DEVELOP A POLICY TO USE TO VERIFY THAT THE STUDENT'S EMPLOYER OR THE EMPLOYER OF THE STUDENT'S PARENT OR LEGAL GUARDIAN DID, IN FACT, MOVE ALL OR A PORTION OF ITS OPERATIONS TO COLORADO AS A RESULT OF RECEIVING AN INCENTIVE FROM THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT OR A LOCAL GOVERNMENT ECONOMIC INCENTIVE PROGRAM AND THAT THE STUDENT OR THE STUDENT'S PARENT OR LEGAL GUARDIAN WAS EMPLOYED BY THE EMPLOYER PRIOR TO THE RELOCATION.

(b) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE TO THE CONTRARY, BUT SUBJECT TO SUBSECTIONS (2) AND (3) OF THIS SECTION, A STUDENT WHO OTHERWISE WOULD NOT BE CLASSIFIED AS AN IN-STATE STUDENT FOR TUITION PURPOSES UNDER THIS ARTICLE MAY BE CLASSIFIED AS AN IN-STATE STUDENT FOR PURPOSES OF TUITION AT ANY STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION IF THE STUDENT MOVED TO THE STATE OF COLORADO IN THE TWELVE MONTHS PRECEDING ENROLLMENT AS A RESULT OF THE STUDENT'S PARENT OR LEGAL GUARDIAN MOVING TO COLORADO TO TAKE A FACULTY POSITION AT A STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION. EACH STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION SHALL DEVELOP A POLICY TO USE TO VERIFY THAT THE STUDENT'S PARENT OR LEGAL GUARDIAN MOVED TO COLORADO TO TAKE A FACULTY POSITION AT A STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION.

(2) IF A STUDENT IS CLASSIFIED AS AN IN-STATE STUDENT PURSUANT TO THIS SECTION, HE OR SHE MAY BE COUNTED AS A RESIDENT STUDENT FOR ANY PURPOSE; EXCEPT THAT THE STUDENT SHALL NOT BE ENTITLED TO RECEIVE STATE FINANCIAL AID.

(3) THE GOVERNING BOARD OF EACH STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION MAY GRANT IN-STATE TUITION STATUS TO STUDENTS CLASSIFIED PURSUANT TO THIS SECTION.

SECTION 3. 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 allocation to the college opportunity fund created in section 23-18-201, Colorado Revised Statutes, for the fiscal year beginning July 1, 2007, the sum of twenty thousand eight hundred twenty-six dollars (\$20,826), or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, to the department of higher education, for the state board for community colleges and occupational education state system community colleges, for the fiscal year

beginning July 1, 2007, the sum of thirty-eight thousand eight hundred seventy-nine dollars (\$38,879), or so much thereof as may be necessary, for the implementation of this act. Of said sum, twenty thousand eight hundred twenty-six dollars (\$20,826) shall be from student stipend payments, and eighteen thousand fifty-three dollars (\$18,053) shall be from the students' share of resident tuition.

SECTION 4. 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 8, 2007, if adjournment sine die is on May 9, 2007); 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 1, 2007