

1998 BILL 35

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Second Session, 24th Legislature, 47 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 35

**COLLEGES, TECHNICAL INSTITUTES AND UNIVERSITIES  
STATUTES AMENDMENT ACT, 1998**

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THE MINISTER OF ADVANCED EDUCATION  
AND CAREER DEVELOPMENT

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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## BILL 35

1998

### COLLEGES, TECHNICAL INSTITUTES AND UNIVERSITIES STATUTES AMENDMENT ACT, 1998

(Assented to \_\_\_\_\_, 1998)

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of Alberta, enacts as follows:

#### Colleges Act

Amends RSA  
1980 cC-18

**1(1) The *Colleges Act* is amended by this section.**

**(2) Section 8(b) is repealed and the following is substituted:**

(b) subject to section 8.1 and to the approval of the Minister,  
set the tuition fees to be paid by its students;

**(3) The following is added after section 8:**

Maximum  
level of tuition  
fees

**8.1(1)** A college's revenue from tuition fees must be less than 30% of its net operating expenditures in each fiscal year to the 1999-2000 fiscal year, and must not exceed 30% thereafter.

**(2)** When required to do so by the Minister, a college board shall submit a report to the Minister respecting the college's compliance with subsection (1), setting out its net operating expenditures and revenue from tuition fees for the fiscal year in question.

## **Explanatory Notes**

### **Colleges Act**

**1(1)** Amends chapter C-18 of the Revised Statutes of Alberta 1980.

**(2)** Section 8 presently reads:

*8 A college board may*

*(a) establish the admission requirements for students of its college;*

*(b) with the approval of the Minister, prescribe the rates of tuition fees to be paid by students enrolled in full-time day programs at its college;*

*(c) prescribe the rates of other fees to be paid by students enrolled at its college.*

**(3)** Maximum level of tuition fees.

(3) The calculation of revenue from tuition fees as a percentage of net operating expenditures must be done in accordance with procedures established by the Minister.

(4) On application from a college board, the Minister may, by written notice to the board, waive the requirements of subsection (1) for the period specified in the notice, if the board has in writing

(a) committed that tuition fees will not be increased during that period, and

(b) submitted to the Minister a plan to expand the college's enrolment.

**(4) Section 37 is amended**

(a) in clause (d) by striking out "and prescribing which fees constitute tuition fees";

(b) by adding the following after clause (d):

(e) make regulations defining "tuition fees", "revenue from tuition fees" and "net operating expenditures" for the purposes of this Act;

(f) make regulations requiring and otherwise respecting the publication of information about colleges' revenue from tuition fees and net operating expenditures and about how they have been calculated.

**Technical Institutes Act**

Amends SA  
1981 cT-3.1

**2(1) The *Technical Institutes Act* is amended by this section.**

**(2) Section 11(1)(e) is repealed and the following is substituted:**

(e) may, subject to section 11.01 and to the approval of the Minister, set the tuition fees to be paid by its students, and

**(3) The following is added after section 11:**

(4) Section 37 presently reads:

*37 The Lieutenant Governor in Council may*

- (a) make regulations governing the conducting and operation of the college system;*
- (b) prescribe model by-laws for college boards;*
- (c) make necessary regulations or orders concerning any matters that arise and for which no provision is made in this or any other Act;*
- (d) make regulations respecting tuition fees and prescribing which fees constitute tuition fees.*

#### **Technical Institutes Act**

**2(1)** Amends chapter T-3.1 of the Statutes of Alberta, 1981.

(2) Section 11(1) presently reads in part:

*11(1) A board*

- (e) subject to the approval of the Minister, may prescribe the tuition fees to be paid by students enrolled in full-time courses or programs of instruction or training provided by the board, and*

(3) Maximum level of tuition fees.

Maximum level of tuition fees

**11.01(1)** A technical institute's revenue from tuition fees must be less than 30% of its net operating expenditures in each fiscal year to the 1999-2000 fiscal year, and must not exceed 30% thereafter.

**(2)** When required to do so by the Minister, a board shall submit a report to the Minister respecting the technical institute's compliance with subsection (1), setting out its net operating expenditures and revenue from tuition fees for the fiscal year in question.

**(3)** The calculation of revenue from tuition fees as a percentage of net operating expenditures must be done in accordance with procedures established by the Minister.

**(4)** On application from a board, the Minister may, by written notice to the board, waive the requirements of subsection (1) for the period specified in the notice, if the board has in writing

(a) committed that tuition fees will not be increased during that period, and

(b) submitted to the Minister a plan to expand the technical institute's enrolment.

**(4) Section 37.1 is repealed and the following is substituted:**

Regulations re fees

**37.1** The Lieutenant Governor in Council may make regulations

(a) respecting tuition fees;

(b) defining "tuition fees", "revenue from tuition fees" and "net operating expenditures" for the purposes of this Act;

(c) requiring and otherwise respecting the publication of information about technical institutes' revenue from tuition fees and net operating expenditures and about how they have been calculated.

### Universities Act

Amends RSA 1980 cU-5

**3(1) The *Universities Act* is amended by this section.**

**(2) Section 17(1)(e) is repealed and the following is substituted:**

(4) Section 37.1 presently reads:

*37.1 The Lieutenant Governor in Council may make regulations respecting tuition fees and prescribing which fees constitute tuition fees.*

### **Universities Act**

**3(1)** Amends chapter U-5 of the Revised Statutes of Alberta 1980.

(2) Section 17(1) presently reads in part:

*17(1) Except as otherwise provided in this Act, a board has the management and control of the university and of its property.*

- (e) subject to section 17.1 and to the approval of the Minister, to set the tuition fees to be paid by its students;
- (e.1) to set any other fees that the board considers necessary to be paid by its students;

**(3) The following is added after section 17:**

Maximum  
level of tuition  
fees

**17.1(1)** A university's revenue from tuition fees must be less than 30% of its net operating expenditures in each fiscal year to the 1999-2000 fiscal year, and must not exceed 30% thereafter.

(2) When required to do so by the Minister, a board shall submit a report to the Minister respecting the university's compliance with subsection (1), setting out its net operating expenditures and revenue from tuition fees for the fiscal year in question.

(3) The calculation of revenue from tuition fees as a percentage of net operating expenditures must be done in accordance with procedures established by the Minister.

(4) On application from a board, the Minister may, by written notice to the board, waive the requirements of subsection (1) for the period specified in the notice, if the board has in writing

- (a) committed that tuition fees will not be increased during that period, and
- (b) submitted to the Minister a plan to expand the university's enrolment.

**(4) Section 69 is amended by repealing clause (e) and substituting the following:**

- (e) respecting tuition fees;
- (e.1) defining "tuition fees", "revenue from tuition fees" and "net operating expenditures" for the purposes of this Act;
- (e.2) requiring and otherwise respecting the publication of information about universities' revenue from tuition fees and net operating expenditures and about how they have been calculated;



*revenue, business and affairs and in particular, but without restricting the generality of the foregoing, a board is empowered*

*(e) to determine, subject to the approval of the Minister, fees for instruction and determine any other fees the board considers necessary;*

(3) Maximum level of tuition fees.

(4) Section 69 presently reads in part:

*69 The Lieutenant Governor in Council may make regulations*

*(e) respecting fees for instruction and prescribing which fees constitute fees for instruction;*

**Coming into Force**

**4 This Act comes into force on Proclamation.**

## **Coming into Force**

**4** Coming into force.