

CHAPTER 319

EDUCATION - UNIVERSITIES AND COLLEGES

HOUSE BILL 94-1362

BY REPRESENTATIVES Grampas, Acquafresca, Chlouber, George, Gordon, and Romero;
also SENATORS Bishop, Casey, Tebedo, and Weissmann.

AN ACT

CONCERNING THE ADOPTION OF POLICIES REGARDING PROCEDURES FOR MANDATORY FEES AT STATE-SUPPORTED INSTITUTIONS OF HIGHER EDUCATION, INCLUDING THE AURARIA HIGHER EDUCATION CENTER.

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

SECTION 1. Article 1 of title 23, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

23-1-123. Commission directive - fee policies. (1) THE GENERAL ASSEMBLY HEREBY FINDS THAT, DUE TO INCREASING FINANCIAL RESTRICTIONS, FEES ARE INCREASINGLY BEING USED AS SOURCES OF REVENUE FOR INSTITUTIONS OF HIGHER EDUCATION, INCLUDING THE AURARIA HIGHER EDUCATION CENTER. THE GENERAL ASSEMBLY FURTHER FINDS THAT IT IS NECESSARY FOR INSTITUTIONS OF HIGHER EDUCATION, INCLUDING THE AURARIA HIGHER EDUCATION CENTER, TO CONSIDER STUDENTS' OPINIONS CONCERNING THE AMOUNT ASSESSED IN FEES AND THE PURPOSES FOR WHICH THE INSTITUTION USES THE REVENUES RECEIVED. IT IS THEREFORE THE INTENT OF THE GENERAL ASSEMBLY THAT THE COMMISSION ADOPT POLICIES CONCERNING THE DEFINITION, ASSESSMENT, INCREASE, AND USE OF FEES, INCLUDING BUT NOT LIMITED TO THE POLICIES SPECIFIED IN THIS SECTION.

(2) (a) ANY INSTITUTION OF HIGHER EDUCATION, INCLUDING THE AURARIA HIGHER EDUCATION CENTER, SHALL GIVE AT LEAST A THIRTY-DAY NOTICE OF ANY FEE ASSESSMENT OR INCREASE.

(b) AT A MINIMUM, THE NOTICE OF A FEE ASSESSMENT OR INCREASE BY AN INSTITUTION OF HIGHER EDUCATION SHALL SPECIFY:

(1) THE AMOUNT OF THE NEW FEE OR THE AMOUNT OF THE FEE INCREASE, AS

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

APPROPRIATE;

(II) THE REASON FOR THE FEE ASSESSMENT OR INCREASE;

(III) THE PURPOSE FOR WHICH THE INSTITUTION WILL USE REVENUES RECEIVED FROM THE FEE ASSESSMENT OR INCREASE; AND

(IV) WHETHER THE FEE ASSESSMENT OR INCREASE IS TEMPORARY OR PERMANENT AND, IF TEMPORARY, THE REPEAL DATE FOR THE FEE ASSESSMENT OR INCREASE.

(3) THE COMMISSION SHALL ESTABLISH A POLICY CONCERNING THE MINIMUM LEVEL OF STUDENT INVOLVEMENT IN ASSESSING AND SETTING THE AMOUNT OF FEES AND IN DETERMINING THE PURPOSES FOR WHICH INSTITUTIONS OF HIGHER EDUCATION, INCLUDING THE AURARIA HIGHER EDUCATION CENTER, SHALL USE THE REVENUES OBTAINED FROM FEES.

(4) (a) ANY DECISION BY A GOVERNING BOARD WITH REGARD TO FEES SHALL BE FINAL AND INCONTESTABLE EITHER ON THE THIRTIETH DAY AFTER FINAL ACTION BY THE GOVERNING BOARD OR ON THE DATE ON WHICH ANY EVIDENCE OF INDEBTEDNESS OR OTHER OBLIGATION PAYABLE FROM THE FEES IS ISSUED OR INCURRED BY THE GOVERNING BOARD, WHICHEVER IS EARLIER.

(b) FEES PLEDGED AS SECURITY FOR EVIDENCE OF INDEBTEDNESS OR OTHER OBLIGATIONS, AS WELL AS ANY INCREASE IN SUCH FEES, SHALL NOT BE ADVERSELY AFFECTED BY ANY DISPUTE RESOLUTION PROCESS THAT MAY BE ADOPTED BY THE GOVERNING BOARD. IN ADDITION, SUCH DISPUTE RESOLUTION PROCESS SHALL NOT ADVERSELY AFFECT THE VALIDITY OF OR SECURITY FOR ANY INDEBTEDNESS OR OTHER OBLIGATIONS SECURED, IN WHOLE OR IN PART, BY SUCH FEES.

(5) IN ADOPTING FEE POLICIES PURSUANT TO THIS SECTION, THE COMMISSION MAY ADOPT SEPARATE POLICIES FOR FEES USED FOR ACADEMIC PURPOSES AND FEES USED FOR NONACADEMIC PURPOSES.

(6) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (6), FOLLOWING ADOPTION BY THE COMMISSION OF THE FEE POLICIES REQUIRED PURSUANT TO THIS SECTION, THE ADMINISTRATION OF EACH INSTITUTION OF HIGHER EDUCATION, INCLUDING THE AURARIA HIGHER EDUCATION CENTER, AND THE STUDENT GOVERNMENT IN OFFICE AT THE INSTITUTION AT THE TIME OF ADOPTION OF THE FEE POLICIES SHALL ESTABLISH A FEE POLICY FOR SUCH INSTITUTION, SUBJECT TO THE MODIFICATION AND APPROVAL OF THE GOVERNING BOARD OF THE INSTITUTION, THAT IS IN ACCORDANCE WITH THE FEE POLICIES ADOPTED BY THE COMMISSION.

(b) FOLLOWING ADOPTION BY THE COMMISSION OF THE FEE POLICIES REQUIRED BY THIS SECTION, THE STATE BOARD FOR COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION SHALL MEET WITH THE STUDENT ADVISORY COUNCIL ESTABLISHED IN SECTION 23-60-104 TO ESTABLISH A FEE POLICY FOR ALL INSTITUTIONS UNDER THE CONTROL OF SUCH BOARD, SUBJECT TO THE MODIFICATION AND APPROVAL OF SUCH BOARD, THAT IS IN ACCORDANCE WITH THE FEE POLICIES ADOPTED BY THE COMMISSION.

(7) FOR PURPOSES OF THIS SECTION, "FEES" MEANS ANY MANDATORY

CAMPUS-WIDE FEE ASSESSED AGAINST STUDENTS BY ANY INSTITUTION OF HIGHER EDUCATION, INCLUDING THE AURARIA HIGHER EDUCATION CENTER, THE REVENUES FROM WHICH ARE USED FOR ACADEMIC OR NONACADEMIC PURPOSES, INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

(a) SUPPORT FOR STUDENT PROGRAMS, INCLUDING BUT NOT LIMITED TO CULTURAL OR SOCIAL EVENTS, OFF-CAMPUS HOUSING ASSISTANCE, STUDENT CLUBS, STUDENT ORGANIZATIONS, AND STUDENT MEDIA;

(b) CONSTRUCTION, MAINTENANCE, OPERATION, OR LEASE OF AREAS THAT ARE USED AS STUDENT CENTERS, RECREATIONAL FACILITIES, PARKING LOTS, OR CHILD CARE CENTERS OR FOR PAYMENT OF BONDS ISSUED FOR PRINCIPAL OR INTEREST PAYMENTS ON LONG-TERM DEBT FOR STUDENT FACILITIES;

(c) ESTABLISHMENT AND OPERATION OF CAMPUS HEALTH CLINICS OR CONTRACT HEALTH SERVICES;

(d) SUPPORT FOR INTERCOLLEGIATE OR INTRAMURAL CLUB ATHLETIC ACTIVITIES OR FOR PAYMENT OF BONDS ALLOCATED FOR THE PRINCIPAL OR INTEREST PAYMENTS ON THE LONG-TERM DEBT OF ANY FACILITY USED FOR INTERCOLLEGIATE ATHLETICS;

(e) PAYMENT OF DIRECT AND INDIRECT OPERATING EXPENSES OF STUDENT GOVERNMENT;

(f) PROVIDING OR PURCHASING EQUIPMENT OR PROGRAMMATIC ACTIVITIES RELATING TO COMPUTER EQUIPMENT, LABORATORY EQUIPMENT, OR OTHER TECHNOLOGY;

(g) PROVIDING ADMINISTRATIVE SERVICES, INCLUDING REGISTRATION FEES;

(h) PAYMENT FOR COSTS INCURRED IN SPECIFIC COURSES INCLUDING, BUT NOT LIMITED TO, LABORATORY, MUSIC, ART, MATERIALS, AND TELECOURSE FEES;

(i) PAYMENT OF NONSPECIFIC COSTS RELATED TO THE INSTRUCTIONAL PROGRAM OR COLLEGE; AND

(j) PAYMENT FOR ADDITIONAL INSURANCE COSTS NECESSARY DUE TO THE NATURE OF A PARTICULAR COURSE.

SECTION 2. 23-1-108 (12), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

23-1-108. Duties and powers of the commission with regard to systemwide planning. (12) The commission shall establish tuition and fee policies based on institutional role and mission, and the governing boards shall set tuition AND FEES consistent with such policies. THE COMMISSION SHALL FOLLOW THE REQUIREMENTS OF SECTION 23-1-123 IN ESTABLISHING FEE POLICIES PURSUANT TO THIS SUBSECTION (12).

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

Approved: June 2, 1994