

No. 100

5th Session, 13th Legislature, Alberta
7 Elizabeth II, 1959

BILL 100

A Bill to amend The Public Junior Colleges Act

HON. MR. AALBORG

Printed by L. S. WALL, Printer to the Queen's Most Excellent Majesty,
Edmonton, Alberta, 1959

Explanatory Note

General. This Bill will amend The Public Junior Colleges Act to authorize debenture borrowing by junior colleges. Various provisions are changed to more aptly describe the process of incorporation of a junior college and provision is made for the protection of debenture holders in the event of the dissolution of a college.

2. Section 2, clause (a) presently reads:

"2. In this Act,

(a) "college board" means the board of trustees of a junior college;

3. The words being removed do not sufficiently describe the powers given by the Act and are replaced. Section 3 presently reads:

"3. For the purpose of teaching subjects of university level not higher than the level commonly accepted for the first year beyond University of Alberta matriculation in a course leading to a bachelor's degree, or for the purpose of teaching other subjects of a general or vocational nature not provided in the high school curriculum of the Province, a junior college may be established within a school division, or within a school district that is not within a school division."

4. Section 4 is rewritten. Section 4 presently reads:

"4. A school board may itself establish and maintain, or may enter into an agreement with other school boards to establish and maintain, a junior college within the area of the school division or school district or the area of a school division or school district with which it has joined for the purpose of establishing a junior college."

5. The substituted words more aptly describe the proposed participation of school boards in the creation of junior colleges by agreement. Section 7, subsection (1) presently reads:

"7. (1) Where a school board proposes to establish and maintain a junior college in association with another board or other boards, and where the consent and approval required under section 5 have been obtained and any agreements respecting and governing the participation of the school boards in the establishment, maintenance and operation of the proposed junior college have been executed, the school boards sponsoring the junior college may apply for the incorporation of the junior college."

6. The provisions relating to the incorporation of a junior college are revised to set out the powers given by an order of incorporation including the power to borrow money by the issue of debentures. Sections 8, 9 and 10 presently read:

"8. (1) The Minister, upon receipt of an application for incorporation and if satisfied that the establishment of the junior college is in the public interest, may by order establish the persons nominated, and such others as may be appointed from time to time, as the board of trustees of a junior college from and after the date specified in the order,

BILL

No. 100 of 1959

An Act to amend The Public Junior Colleges Act

(Assented to _____, 1959)

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

1. *The Public Junior Colleges Act*, being chapter 64 of the Statutes of Alberta, 1958, is hereby amended.

2. Section 2, clause (a) is amended by adding immediately at the end thereof the words "incorporated pursuant to this Act".

3. Section 3 is amended by striking out the words "a junior college may be established within a school division or within a school district that is not within a school division" and by substituting the words "junior colleges may be established and operated pursuant to this Act".

4. Section 4 is struck out and the following substituted:

4. (1) A school board may establish and maintain a junior college within the area of the school district or school division as the case may be.

(2) A school board may enter into an agreement with other school boards for the establishment and maintenance of a junior college to service the areas of the school districts or school divisions joining together to establish a junior college.

5. Section 7, subsection (1) is amended by striking out the words "to establish and maintain" and by substituting the words "the establishment and operation of".

6. Sections 8 to 10 are struck out and the following is substituted:

8. (1) Upon receipt of the application the Minister shall satisfy himself that the establishment of the junior college in and for the area to be served by the proposed junior college corporation is in the public interest, and may negotiate such alterations in the plan proposed by any agreements entered into by the applying school boards in respect of the proposed junior college as he may deem necessary.

(2) The order shall designate the title by which the corporation will be known, and the title shall contain the words "Junior College".

(3) A notice of the order shall be published in The Alberta Gazette within thirty days of the making thereof and the publication of the notice is admissible in evidence as conclusive proof of the establishment of the junior college and that all the necessary formalities have been complied with.

9. (1) From and after the making of the order establishing the junior college the board of trustees thereof are and become a corporation under the name designated in the order.

(2) The college board shall have a common seal and possess and may exercise all the powers vested in a corporation by The Interpretation Act so far as the same are necessary to carry out the provisions of this Act.

(3) In addition to its powers under The Interpretation Act or by this Act given, the college board may, for the purposes of the junior college, acquire, hold and alienate real property to the same extent as a board of a school district.

10. A school board, not a party to any original agreement, may become a party to such agreement with the approval of the college board and the consent of the Minister, and shall thereupon assume responsibilities and have powers in respect of the junior college in the same manner as the other parties to the agreement."

(2) When the plan of the proposed junior college meets with the approval of the Minister, the plan may be referred to the Lieutenant Governor in Council for an order incorporating the junior college.

(3) The order incorporating a junior college

- (a) shall establish the persons nominated and such others as may be appointed from time to time pursuant to the by-laws of the corporation as a body corporate,
- (b) may empower the corporation to lease, purchase and hold and alienate real property,
- (c) shall empower the corporation to borrow money by the issue of debentures, bonds or promissory notes or by such other means or any of them as may be set out in the order, but subject to any requirements in respect thereof specified in the order,
- (d) shall set forth the objects and purposes of the corporation, prescribe its name, which shall contain the words "Junior College", and an official seal therefor,
- (e) shall prescribe the service area of the corporation and the location of its buildings and offices,
- (f) shall fix the amount to be paid to the college board by each of the sponsoring school boards for the first and second year in which the college operates,
- (g) may authorize the corporation to make by-laws or may prescribe that the model by-laws apply to and shall be the by-laws of the corporation,
- (h) may vest the corporation with such other powers, authorities and functions as may be deemed necessary for its purposes.

(4) From and after the making of the order in council relating thereto, the persons named therein and their successors and others appointed to the board of the corporation from time to time are and become a corporation with all the powers and subject to all the liabilities set out in the order.

9. (1) A school board desiring to join in the operation of an existing junior college corporation and the college board may enter into an agreement for that purpose and may submit the agreement to the Minister for his approval.

(2) The Minister may negotiate any changes in the agreement that he deems advisable and when the agreement meets with his approval he may refer it to the Lieutenant Governor in Council for an order joining the school board.

(3) The order shall

- (a) add the person nominated by the school board to the college board,
- (b) extend the service area of the junior college to include the area of the school district or the school division, as the case may be,
- (c) fix the amount to be paid annually by the school board to the college board, and

7. Section 31 providing for the financing of junior colleges is amended to conform with the wording changes in sections 8 and 9—see clause 6.

8. The provisions of The School Act dealing with the submission of debenture by-laws to a vote of the proprietary electors, the conduct of the poll and the issue, sale and refunding of debentures apply to debenture borrowing by junior colleges.

9. At present a school board can withdraw from a junior college on notice to the other school boards. Under the proposed amendment a school board has the right to withdraw only when it is going to establish its own college. The Lieutenant Governor in Council may remove a school board in other circumstances. The procedure for dissolution is revised and protection for debenture holders is provided.

- (d) make any adjustments necessary in the amounts of the payments made by the other school boards participating in the operation of the junior college.

7. Section 31 is amended

- (a) as to subsection (1)
- (i) by striking out the words "parties to the agreement for" and by substituting the word "sponsoring",
 - (ii) by striking out the words "may be agreed upon in the agreement" and by substituting the words "are set out in the order incorporating the junior college",
- (b) as to subsection (2) by striking out the words "parties to the agreement for" and by substituting the word "sponsoring".

8. The following new section is added immediately after section 32:

32a. (1) Sections 235 to 280 of *The School Act* apply *mutatis mutandis* to debenture borrowing by a college board as if the college board was the board of a school division and the service area of the junior college was a school division.

(2) For the purposes of *The Alberta Municipal Financing Corporation Act* a junior college incorporated under this Act shall be deemed to be a school division.

9. Sections 40 and 41 are struck out and the following are substituted:

40. (1) A school board that wishes to withdraw its support from an existing junior college and establish and maintain its own junior college pursuant to subsection (1) of section 4, may submit an application to the Minister for an order terminating its participation in the existing college.

(2) Where the Minister is satisfied that the school board

- (a) has complied with the requirements of section 5, and

- (b) will establish and maintain its own junior college in accordance with this Act,

the Lieutenant Governor in Council shall, by order, terminate the participation of the school board in the operation of the existing junior college.

(3) Where it is deemed advisable or in the public interest, the Lieutenant Governor in Council upon the recommendation of the Minister may, by order, terminate the participation of any school board in the operation of a junior college.

(4) An order under subsection (2) or (3) shall, as of the date set forth in the order

10. Section 45 presently reads:

“45. The Minister may

- (a) make regulations, not inconsistent with this or any other Act, governing the conducting and operation of junior colleges, and
- (b) make necessary orders concerning any matters that arise and for which no provision exists in this or any other Act in respect thereof.”.

11. The Lethbridge Junior College was established under provisions formerly found in The School Act. Section 46 makes this college a junior college under The Public Junior Colleges Act.

- (a) terminate the representation of the school board on the college board,
- (b) remove the area of the school district or school division from the service area of the junior college, and
- (c) make any adjustments necessary in the amounts of the payments made by the other school boards participating in the operation of the junior college,

and may determine the settlement of assets and liabilities between the school board and the junior college, including responsibility of the school board for the repayment of debenture indebtedness incurred while the school board was participating in the operation of the junior college.

41. (1) A school board may, by notice to the Minister and to the other school boards represented on the college board, request the dissolution of the junior college corporation.

(2) Where the Minister is satisfied that the dissolution of a junior college corporation is in the public interest, the Minister may recommend to the Lieutenant Governor in Council that the corporation be dissolved.

(3) The Lieutenant Governor in Council, by order, may declare that on and after a day named in the order the junior college corporation is dissolved and thereupon the college board ceases to have any of the rights, powers and privileges vested in it by this Act.

(4) In the case of a junior college having debenture indebtedness the order dissolving the corporation may provide for the repayment of the debenture indebtedness by the school boards and fix the proportionate liability of each school board.

10. Section 45 is amended

- (a) by striking out the word "Minister" and by substituting the words "Lieutenant Governor in Council",
- (b) by adding the following clause immediately after clause (a):
 - (a1) prescribe model by-laws for junior college corporations, and

11. Section 46 is amended

- (a) by renumbering the section as subsection (1),
- (b) by adding immediately after the renumbered subsection (1) the following:
 - (2) The Lieutenant Governor in Council may issue an order under section 8 in respect of the Lethbridge Junior College establishing a service area for the college and giving the college such other rights, powers and duties as may be vested in or imposed upon a junior college incorporated pursuant to this Act.

12. This Act comes into force on a date to be fixed by proclamation.

No. 100

FIFTH SESSION

THIRTEENTH LEGISLATURE

7 ELIZABETH II

1959

BILL

An Act to amend The Public
Junior Colleges Act

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. AALBORG
