

1967 Bill 89

Fifth Session, 15th Legislature, 15 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 89

An Act to amend The Universities Act

THE MINISTER OF EDUCATION

First Reading

Second Reading

Third Reading

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An Act to amend The Universities Act

(Assented to _____, 1967)

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

1. *The Universities Act* is hereby amended.

2. Section 8 is amended by renumbering the section as subsection (1) and by adding the following subsection:

(2) The senate of a university is a corporation.

3. Section 19 is amended

(a) as to subsection (1), clause (b) by striking out the words "subsection (2)" and by substituting the words "subsections (2) and (5)",

(b) as to subsection (2) by adding immediately preceding the word "staff" the word "academic",

(c) by adding the following subsection after subsection (4):

(5) Part 2 of *The Public Service Act, 1962* applies to each university and the non-academic employees of the university as if the university were an agency of the Crown under that Part.

4. Section 26 is struck out and the following is substituted:

26. A board shall not incur any liability or make any expenditure for the purchase of land or the erection of buildings or for any other purpose

(a) unless the liability or expenditure can be provided for out of the annual income of the year or out of other moneys available for the purpose, or

(b) unless the liability or expenditure is approved by the Universities Commission.

5. Section 29, subsection (1) is amended by adding after the words "borrowings by" the word "or".

Explanatory Notes

1. This Bill amends chapter 105 of the Statutes of Alberta, 1966.

2. Self-explanatory.

3. Section 19 (1) (b) and (2) presently read:

19. (1) A board may,

.....

(b) subject to subsection (2), determine the salaries or remuneration of the officers or employees,

(2) Subject to the approval of the Universities Commission, a board may establish salary and wage scales, and the ranges thereof, for all positions on the staff of the university.

4. Section 26 presently reads:

26. A board shall not incur any liability or make any expenditure for the purchase of land or the erection of buildings or for any other purpose, unless the liability or expenditure can be provided for out of the annual income of the year or unless the liability or expenditure is approved by the Universities Commission and the moneys are available therefor.

5. A typographical error is corrected.

6. Section 28 is amended by adding the following subsection:

- (5) In this section "purposes of the university" includes:
 - (a) acquiring any real property;
 - (b) erecting, repairing, adding to, furnishing or equipping any building;
 - (c) the repayment or refunding from time to time of the whole or any part of any borrowings made by the board;
 - (d) the payment of any other liability or indebtedness of the board;
 - (e) the carrying out of any of the powers and duties of the board.

7. The following section is added after section 30:

30a. Subject to the approval of the Lieutenant Governor in Council, a board may provide for the creation, management and application of sinking funds or other means of securing the repayment of any loan or other means of securing the repayment of any loan raised or notes, bonds, debentures or other securities issued by the board, including the redemption by call of any such securities issued subject to redemption in advance of maturity.

8. Section 43, subsection (1) is amended by adding the following clause after clause (a):

- (a1) may exercise its powers by resolution, except when some other mode of exercising any power is prescribed by this Act, and

9. Section 58 is amended by striking out subsection (4) and by substituting the following:

(4) Each year the Universities Co-ordinating Council may submit a budget to the Universities Commission for approval and the Commission shall, in accordance with the approved budget, pay the operating expenses of the Co-ordinating Council out of the moneys received by the Commission from the Government.

10. Section 60, subsection (4) is amended by striking out the words "a university" in the third line thereof and by substituting the word "universities".

11. The following sections are added after section 68:

68a. (1) The Universities Commission

- (a) for such purposes as the Lieutenant Governor in Council authorizes, and

6. Section 28 authorizes debenture borrowing by boards "for the purposes of the university".

7. The university boards of governors are authorized to establish sinking funds for the repayment of loans.

8. Section 43 (1) (a) reads:

43. (1) Any body constituted or continued by or under this Act
(a) may make regulations respecting the calling of meetings of the body and the quorum and conduct of business thereat and generally as to the conduct of its affairs, and

9. Section 58 (4) presently reads:

- (4) The operating expenses of the Universities Co-ordinating Council shall be paid by the Universities Commission out of the moneys received by it from the Government.

10. Section 60 (4) presently reads:

- (4) The Universities Co-ordinating Council may determine minimum standards for the affiliation of colleges or institutions with a university and may recommend
(a) the affiliation of a college or institution with a university and the terms thereof, and
(b) the dissolution of any such affiliation or the modification or altering of the terms thereof.

11. The Universities Commission is authorized to borrow and issue debentures which may be guaranteed by the Province.

- (b) with the approval of the Lieutenant Governor in Council,
may from time to time borrow such sums of money as the Commission may require and may from time to time issue notes, bonds, debentures or other securities which
 - (c) shall bear interest at such rate or rates as may be determined by the Commission,
 - (d) shall be in such denomination or denominations as may be determined by the Commission,
 - (e) shall be payable as to principal and interest
 - (i) in such currency or currencies of such country or countries,
 - (ii) at such place or places,
 - (iii) at such time or times, and
 - (iv) in such manner,
as may be determined by the Commission,
 - (f) may be made redeemable in whole or in part in advance of maturity
 - (i) at such time or times,
 - (ii) on such terms, and
 - (iii) at such price or prices, either with or without premium,
as may be determined by the Commission, and
 - (g) may be issued in such amounts as will realize the net sum required by the Commission.

(2) Where the authorizing resolution of the Commission made under subsection (1) contains a recital or declaration that the amount of the notes, bonds, debentures or other securities authorized by the resolution is necessary to realize the net sum required, the recital or declaration is conclusive proof of the facts stated therein.

(3) Subject to the approval of the Lieutenant Governor in Council, the Universities Commission may sell or otherwise dispose of any notes, bonds, debentures or other securities on such terms and conditions as it deems advisable, either at the par value thereof or at less or more than the par value thereof, and may charge, pledge, hypothecate, deposit or deal with any such securities as collateral security.

(4) Any notes, bonds, debentures or other securities and the coupons, if any, attached thereto, shall be in such form and shall be executed in such manner and by such persons as may be determined by the Universities Commission.

68b. (1) The principal and interest of any borrowings by or notes, bonds, debentures and other securities issued by the Universities Commission may be guaranteed by the Province of Alberta.

(2) The guarantee, in such form and manner as the Lieutenant Governor in Council may approve, may be endorsed upon any notes, bonds, debentures or other securities issued by the Universities Commission and may be signed on behalf of the Province of Alberta by the Provincial Treasurer, the Deputy Provincial Treasurer or by such other person as the Lieutenant Governor in Council may designate.

(3) The signature of the Provincial Treasurer, the Deputy Provincial Treasurer or the person designated by the Lieutenant Governor in Council, upon the guarantee is conclusive proof that the relevant provisions of this Act have been complied with.

(4) Where in respect of any notes, bonds, debentures or other securities issued by the Universities Commission it becomes necessary or desirable under the terms of any guarantee given on behalf of the Province of Alberta to make payment under the guarantee, such payment may be made upon the order of the Lieutenant Governor in Council

- (a) out of the General Revenue Fund, without further appropriation, or
- (b) from the proceeds of any loan made under *The Provincial Loans Act* or the sale of securities owned by the Province.

68c. (1) The seal of the Universities Commission on any notes, bonds, debentures or other securities of the Commission and the signatures of

- (a) any person authorized by the Commission to execute the notes, bonds, debentures or other securities or any coupon attached thereto, or
- (b) the Provincial Treasurer, the Deputy Provincial Treasurer or the person designated by the Lieutenant Governor in Council to sign a guarantee that is endorsed on the notes, bonds, debentures or other securities,

may be engraved, lithographed, printed or otherwise reproduced on the notes, bonds, debentures or other securities of the Commission or on the guarantee endorsed thereon, as the case may be.

(2) The reproduced signature of any person referred to in subsection (1) is for all purposes deemed to be the signature of that person and is binding on the Commission and the Province of Alberta notwithstanding that the person whose signature is reproduced did not hold office at the date of the notes, bonds, debentures or other securities or at the date of delivery thereof.

68d. Subject to the approval of the Lieutenant Governor in Council, the Universities Commission may provide for creation, management and application of sinking funds or other means of securing the repayment of any loan or other means of securing the repayment of any loan raised or notes, bonds, debentures or other securities issued by the Commission, including the redemption by call of any such securities issued subject to redemption in advance of maturity.

12. This Act comes into force on the day upon which it is assented to.