

1972 Bill 74

First Session, 17th Legislature, 21 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 74

The Alberta Art Foundation Act

THE MINISTER OF CULTURE, YOUTH AND RECREATION

First Reading

Second Reading

Third Reading

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BILL 74

1972

THE ALBERTA ART FOUNDATION ACT

(Assented to _____, 1972)

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

1. In this Act,

- (a) "Director" means the Director of Cultural Development under *The Cultural Development Act*;
- (b) "Foundation" means The Alberta Art Foundation;
- (c) "Minister" means the Minister of Culture, Youth and Recreation;
- (d) "work of art" does not include a musical or literary composition.

2. (1) There is hereby created a corporation called "The Alberta Art Foundation" consisting of not less than five and not more than nine persons appointed by the Lieutenant Governor in Council.

(2) The Lieutenant Governor in Council shall designate one of the members of the Foundation as chairman of the Foundation.

(3) Subject to the regulations, the Lieutenant Governor in Council may

- (a) in making any appointment under this section, prescribe the term of office of the member so appointed,
- (b) in designating any member as chairman of the Foundation, prescribe his term of office as chairman.

(4) A member of the Legislative Assembly is not eligible to be appointed as or to remain as a member of the Foundation.

(5) The Director shall be the secretary of the Foundation but may appoint a person to act as secretary of the Foundation at any meeting which he is unable to attend.

Explanatory Notes

General. This Bill will establish The Alberta Art Foundation as an independent corporation with powers to purchase works of art related to Alberta. The purpose of the Bill is to encourage the development of art in Alberta generally and the work of resident Alberta artists in particular.

The Foundation will be financed primarily by Government grants of \$50,000 each year, although the Bill allows the Foundation to accept bequests and donations from private sources.

1. Definitions.

2. Incorporation of The Alberta Art Foundation.

3. The objects of the Foundation are to provide means whereby

- (a) the enjoyment of works of art by Alberta artists may be fostered and promoted,
- (b) works of art by Alberta artists may be collected, preserved and displayed, and
- (c) artists resident in Alberta may be encouraged in their work.

4. (1) In furtherance of its objects, the Foundation may

- (a) acquire by purchase, gift, bequest, loan or otherwise
 - (i) any work of art created by an artist who is resident in Alberta or a deceased artist who was resident in Alberta at the time of his death, or
 - (ii) any work of art having an association with Alberta and created by a living artist who is not resident in Alberta or a deceased artist who was not resident in Alberta at the time of his death if, in the opinion of the Foundation, the work of the artist made a significant contribution to art **in Alberta that deserves recognition;**
- (b) acquire by gift, bequest, loan or otherwise any other works of art, whether or not related to Alberta or **the work of any Alberta artist;**
- (c) sell, lease, exchange or otherwise dispose of any work of art acquired by the Foundation, subject to the terms of any trust upon which it is held.

(2) The acceptance by the Foundation of a gift, bequest or loan of a work of art is subject to any conditions prescribed by the person making the gift or loan or by the will or other instrument under which it is acquired.

5. (1) The Provincial Treasurer shall pay to the Foundation in each year a grant in the sum of \$50,000 from the General Revenue Fund.

(2) The Foundation may accept any gift, bequest or devise of money or other property, subject to any conditions prescribed by the person making the gift or by the will or other instrument under which the money or other property is acquired.

(3) All expenditures made by the Foundation shall be paid by it from its own funds.

6. The Foundation may, subject to the regulations,

- (a) make rules governing the calling of its meetings, the quorum required at its meetings, the pro-

3. Objects of the Foundation.

4. Acquisition of works of art for the Foundation's collection.

5. Financing by legislative appropriation and private donations.

6. General powers of the Foundation.

cedure at its meetings and any other matter relating to the conduct of its business and affairs;

- (b) make such banking arrangements as are necessary for the purposes of its business and affairs;
- (c) draw, make, accept, endorse, execute and issue bills of exchange and other negotiable or transferable instruments;
- (d) act as a trustee of any moneys, work of art or other property acquired by the Foundation in trust for any purpose;
- (e) invest any moneys not currently required to be expended in trustee investments under *The Trustee Act*;
- (f) enter into a trust instrument with a trust company registered under *The Trust Companies Act* under which the Foundation may pay over to the company as trustee any moneys not currently required to be expended, for the purposes of having the company invest the moneys in trustee investments under *The Trustee Act* for the production of income;
- (g) from time to time borrow money from any person or enter into overdraft arrangements for the purpose of meeting its obligations as they become due and give security for the repayment of moneys so borrowed;
- (h) pay to its members and employees fees and remuneration for travelling and living expenses;
- (i) appoint employees and determine their remuneration and terms of employment;
- (j) engage the services of any person having technical or specialized knowledge required by the Foundation;
- (k) exercise or perform any powers, functions or duties conferred or imposed on it by the regulations.

7. (1) The Minister may provide to the Foundation the services of employees of his Department to carry out secretarial, clerical and accounting duties and other work required by the Foundation, at no cost to the Foundation.

(2) The Minister

(a) shall maintain and manage the Foundation's collection of works of art, and,

(b) may display those works of art,

subject to the Foundation's powers conferred by section 4, subsection (1), clause (c).

7. Functions of the Minister.

(3) Expenditures by the Minister directly attributable to his functions under subsection (2) shall be borne by the Foundation and may be recovered by the Minister either by way of reimbursement from the Foundation or by the withholding of an amount equivalent to the expenditures from a grant made to the Foundation under section 5, subsection (1).

(4) The Minister may give directions to the Foundation for the purpose of

- (a) providing priorities and guidelines for it to follow in the acquisition of works of art, and
- (b) co-ordinating the work of the Foundation with the programs, policies and work of the Government and public and private institutions in the development of art in Alberta, in order to avoid duplication of effort and expense.

8. The Lieutenant Governor in Council may make regulations

- (a) governing the terms of office of members of the Foundation;
- (b) prescribing the rates of fees payable to members of the Foundation for attending meetings and for performing their duties, and prescribing the circumstances under which such fees may be paid;
- (c) prescribing the rates of remuneration payable to members and employees of the Foundation for their reasonable travelling and living expenses incurred in the course of performing their duties while away from their ordinary places of residence;
- (d) restricting and otherwise regulating the exercise of the Foundations powers enumerated in section 6;
- (e) conferring or imposing any additional powers, functions or duties on the Foundation for purposes related to this Act;
- (f) governing any other matter related to the carrying out of this Act or the conduct of the business and affairs of the Foundation.

9. (1) The Foundation is subject in respect of its accounts and financial transactions to audit by the Provincial Auditor from time to time and at least once each year.

(2) The fiscal year of the Foundation is the period from April 1st to the next succeeding March 31st.

10. (1) After the end of each year, the Foundation shall prepare and submit to the Minister a report consisting of

8. Regulations of the Lieutenant Governor in Council.

9. Audit by Provincial Auditor. Fiscal year.

10. Annual report of the Foundation to the Minister.

- (a) a general summary of its transactions and affairs during that year, its revenues and the application of its expenditures during that year,
 - (b) an audited balance sheet of its accounts and financial transactions during that year, and
 - (c) such other information as the Minister may require.
- (2) Upon receiving a report under subsection (1), the Minister shall lay a copy of it before the Legislative Assembly if it is then in session, and if not, within 15 days after the commencement of the next ensuing session.

11. This Act comes into force on a date to be fixed by Proclamation.

