

1973 Bill 23

Second Session, 17th Legislature, 21 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 23

The Universities Amendment Act, 1973

THE MINISTER OF ADVANCED EDUCATION

First Reading

Second Reading

Third Reading

BILL 23

1973

THE UNIVERSITIES AMENDMENT ACT, 1973

(Assented to _____, 1973)

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

1. *The Universities Act is hereby amended.*

2. *Section 2 is amended*

(a) *by adding after clause (d) the following clause:*

(d1) "Minister" means the Minister of Advanced Education;

(b) *by striking out clause (g).*

3. *Section 4, subsection (4) is amended by striking out the words "after consultation with the Universities Commission and other interested persons".*

4. *The words "Universities Commission" and "Commission" are struck out wherever they occur in the following provisions and in each case the word "Minister" is substituted:*

section 8, subsection (1), clause (b), subclause (v);

section 10, subsection (2);

section 15, subsection (1), clauses (d) and (e);

section 25, clause (b);

section 26, subsection (3);

section 31, subsections (1) and (2);

section 52, subsection (3) and subsection (5), clause (b);

section 58, subsection (5);

section 60, subsections (2) and (3);

section 80, subsection (4).

5. *Section 18, subsection (3), clause (a) is amended by striking out the words "and the Universities Commission".*

Explanatory Notes

1. This Bill will amend chapter 378 of the Revised Statutes of Alberta 1970.

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

2. In this Act,

(g) "Universities Commission" or "Commission" means The Alberta Universities Commission established by this Act;

3. Section 4, subsection (4) presently reads:

(4) Where an additional university is established under subsection (2), the Lieutenant Governor in Council, after consultation with the Universities Commission and other interested persons, may

- (a) establish an interim governing body for the university;
- (b) appoint the members of the interim governing body and designate one of them as its chairman;
- (c) specify the name of the interim governing body;
- (d) confer or impose upon the interim governing body any powers or duties he considers necessary in connection with the carrying out of its responsibilities.

4. Upon the Proclamation of this Act The Alberta Universities Commission will be dissolved.

5. Section 18, subsection (3), clause (a) presently reads:

(3) A board may,

(a) with the approval of the Lieutenant Governor in Council and the Universities Commission, but

6. Section 19, subsection (5) is amended by striking out the word "Part" and by substituting the word "Act".

7. Section 31 is amended by striking out subsection (3) and by substituting the following:

(3) The fiscal year of each university shall be determined by the Minister.

8. Section 40 is amended by striking out subsection (4) and by substituting the following:

(4) Where the Lieutenant Governor in Council establishes an additional Provincial university under section 4, he may by the same or a subsequent order incorporate a students' union for the university with such name as he considers appropriate.

9. Section 49 is struck out and the following section is substituted:

49. The power to expropriate land conferred by any statute on a municipality or any other person does not extend to the land of a university, students' union or graduate students association unless the statute conferring the power is made in express terms to apply to the land of a university, the graduate student association or the students' union, as the case may be.

10. Part 3, being sections 62 to 76, is struck out and the following is substituted:

PART 3

PROVINCIAL UNIVERSITIES — ADMINISTRATION

62. The Minister may delegate to any person or body of persons any of the powers, duties and functions conferred or imposed on him pursuant to this Act.

63. The Minister shall from time to time review, approve, amend or disapprove requests of a board with respect to expenditures for

- (a) new buildings,
- (b) major alterations or additions to existing buildings,
- (c) the leasing of buildings,
- (d) major alterations to leased buildings,
- (e) the acquisition of land,
- (f) the furnishing and equipping of buildings whether owned or leased,
- (g) landscaping, paving and the provision of utilities services, and
- (h) other facilities of a capital nature.

6. Section 19, subsection (5) presently reads:

(5) The Crown Agencies Employee Relations Act 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.

Corrects a drafting error.

7. Section 31, subsection (3) presently reads:

(3) The fiscal year of each university shall be the 12-month period from the first day of April in one year until the 31st day of March in the following year.

8. Section 40(4) presently reads:

(4) When the Lieutenant Governor in Council establishes an additional Provincial university under section 3, he shall also incorporate a students' union for the university with such name as he considers appropriate.

9. Section 49 presently reads:

49. The power to expropriate land conferred by any statute on a municipality or any other person does not extend to the land of a university, students' union, graduate students association or the Universities Commission unless the statute conferring the power is made in express terms to apply to the land of a university or the Universities Commission, the graduate student association or the students' union, as the case may be.

The changes to this section involve removing references to the Universities Commission.

10. Minister's powers.

64. The Minister may

- (a) require each university to submit to him such reports and other information as he requires;
- (b) regulate and prohibit
 - (i) the extension, expansion or establishment of any service, facility or program of study by a university so as to reduce or avoid an undesirable or unnecessary duplication of a similar service, facility or program of study already provided by a university, and
 - (ii) the establishment of a new school or faculty by a university.

65. (1) Subject to subsections (2) and (3), the Minister may from time to time make grants to boards in amounts equal to funds raised by way of a gift or public subscription under the fund raising campaign known as "Three Alberta Universities".

(2) Grants under this section shall be made only from funds appropriated by the Legislature for the purpose but shall not exceed in the aggregate \$25,000,000.

(3) The Minister may make a grant under this section only where the grants and the funds raised by way of gift or public subscription are to be used for

- (a) capital purposes, or
- (b) library books other than rare book collections.

11. Section 77, subsection (3) is amended

- (a) *by striking out the words "On behalf of The Governors of the University of Calgary the" and by substituting the word "The",*
- (b) *by striking out clause (b) and by substituting the following:*
 - (b) appoint staff and specify their duties and remuneration,
- (c) *by adding the word "and" to the end of clause (c) and by adding the following clause after clause (c):*
 - (d) make such rules and regulations as it considers necessary for the purpose of carrying on its business and affairs.

12. Section 78 is struck out and the following section is substituted:

78. (1) The chairman shall present the annual proposals for capital expenditures to the Minister for approval and at

11. Section 77, subsection (3) presently reads:

(3) On behalf of The Governors of The University of Calgary the council, for the purpose of advancing the aims, aspirations and objectives of the Banff School of Fine Arts, may

- (a) appoint a Director, who is responsible to the council,
- (b) appoint staff, and
- (c) prepare, establish and operate programs, workshops and seminars.

12. Annual proposals for capital expenditures at Banff School of Fine Arts.

the same time send a copy thereof to The Governors of The University of Calgary.

(2) The Minister shall ensure that the development of the campus is consistent with the terms of the lease with the Department of Indian Affairs and Northern Development.

(3) The Provincial Treasurer, on the recommendation of the Minister, shall pay to The Governors of The University of Calgary from the capital sum appropriated by the Legislature, the amounts required to complete projects approved pursuant to this section.

(4) The sums paid to The Governors of The University of Calgary under subsection (3) shall be placed in the capital account of the Banff School of Fine Arts and the account shall be administered by The Governors of The University of Calgary.

13. Section 79 is struck out.

14. Section 80 is amended

(a) by striking out subsections (1) and (2) and by substituting the following subsection:

80. (1) The chairman shall present the annual operating budget to the Minister for approval and at the same time send a copy thereof to The Governors of The University of Calgary.

(b) as to subsection (3), by striking out the words "Universities Commission" and by substituting the words "Provincial Treasurer on the recommendation of the Minister".

15. Upon the commencement of this section

(a) all rights, property, liabilities and obligations of The Alberta Universities Commission arising under or by virtue of

(i) this Act, or

(ii) The Ultimate Heir Act,

become the rights, property, liabilities and obligations of the Crown in right of Alberta;

(b) any reference whatever to The Alberta Universities Commission shall be deemed to be a reference to the Crown in right of Alberta.

13. Section 79 presently reads:

79. (1) The chairman shall present the annual proposals for capital expenditures to The Governors of The University of Calgary, and the Governors shall forward the proposals to the Universities Commission, with comments.

(2) Provided the proposals are consistent with the campus development plans, the Universities Commission shall take the proposals forward to the Capital Development Committee for approval.

(3) The Universities Commission shall pay to The Governors of The University of Calgary from the capital sum appropriated by the legislature, the amounts required to complete projects approved pursuant to this section.

14. Section 80 presently reads:

80. (1) The Chairman shall present the annual operating budget to The Governors of The University of Calgary and the Governors shall forward the budget to the Universities Commission, with comments.

(2) Provided the budget is consistent with the academic plan, the Universities Commission shall pass the budget to the Minister of Advanced Education with the request that an operating grant be approved.

(3) The Universities Commission shall pay The Governors of The University of Calgary the operating grant appropriated by the Legislature, to be placed in the account of the Banff School of Fine Arts and the Governors shall administer the account.

(4) Any annual surplus or deficit shall accrue to the account of the Banff School of Fine Arts and shall be reported to the Universities Commission by The Governors of The University of Calgary.

15. Transitional provision.

16. (1) *The Ultimate Heir Act is amended*

(a) *as to section 2, by striking out clause (b),*

(b) *by striking out the words "Universities Commission" wherever they occur in the following provisions and in each case substituting the words "Crown in right of Alberta":*

section 3;

section 4;

section 5;

section 6, subsections (1), (2), (4),
(5), (6) and (7);

section 7;

(c) *by striking out section 8 and by substituting the following section:*

8. (1) All moneys received by the Crown in right of Alberta as ultimate heir shall be kept in such manner as the Provincial Treasurer considers proper.

(2) The Provincial Treasurer shall pay the annual income from the moneys held in trust to the universities under *The Universities Act* in such shares as the Minister of Advanced Education considers fair and equitable and any moneys so paid to a university shall be applied, in the discretion of the board of governors thereof, in providing scholarships and assistance in the field of research at the university.

17. *This Act comes into force on a date or dates to be fixed by Proclamation.*

**16. Amends chapter 376 of the Revised Statutes of Alberta 1970.
Section 8 of The Ultimate Heir Act presently reads:**

8. (1) All moneys received by the Universities Commission as ultimate heir shall be kept in such special, consolidated or other trust fund as the Universities Commission considers proper.

(2) The Universities Commission shall pay the annual income from the moneys held in trust pursuant to subsection (1) to the universities under The Universities Act in such shares as the Commission considers fair and equitable and any moneys so paid to a university shall be applied, in the discretion of the board of governors thereof, in providing scholarships and assistance in the field of research at the university.