

1986 BILL 30

First Session, 21st Legislature, 35 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 30

FINANCIAL ADMINISTRATION AMENDMENT ACT, 1986

THE PROVINCIAL TREASURER

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 30

1986

FINANCIAL ADMINISTRATION AMENDMENT ACT, 1986

(Assented to _____, 1986)

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

1 *The Financial Administration Act is amended by this Act.*

2 *Section 1(1) is amended*

(a) *in clause (a.1) by striking out “or” at the end of subclause (ii) and by adding the following after subclause (ii):*

(ii.1) a Capital Fund vote, or

(b) *by adding the following after clause (b):*

(b.01) “Capital Fund” means the Alberta Capital Fund established under section 60.2;

(b.02) “Capital Fund vote” means

(i) the authority contained in an Act referred to in section 60.2(6) and identified as a vote in that Act to spend the amount of money in the Capital Fund indicated in the vote, or

(ii) the authority to spend the amount of money deemed to be a Capital Fund vote or part of a Capital Fund vote by virtue of section 60.3(3) or (4), as the case may be;

(c) *by repealing clause (f)(i) to (iii) and substituting the following:*

(i) a payment authorized by a supply vote, a Heritage Fund vote or a Capital Fund vote,

(ii) a reimbursement, under the authority of one supply vote, Heritage Fund vote or Capital Fund vote, of a payment charged against another supply vote, Heritage Fund vote or Capital Fund vote, as the case may be,

(d) *by repealing clause (h) and substituting the following:*

(h) “Heritage Fund vote” means

(i) the authority contained in and identified as a vote in an Act referred to in section 6(2)(a) of the *Alberta Heritage Savings Trust Fund Act*, to invest the amount of money in the Alberta Heritage Savings Trust Fund indicated in the vote, or

Explanatory Notes

1 This Bill will amend chapter F-9 of the Revised Statutes of Alberta 1980.

2 Section 1(1)(a.1), (f), (h) and (s) presently read:

1(1) In this Act,

(a.1) “appropriation” means

- (i) a supply vote,*
- (ii) a Heritage Fund vote, or*
- (iii) a statutory appropriation;*

(f) “expenditure” means

- (i) a payment authorized by a supply vote or a Heritage Fund vote,*
- (ii) a reimbursement, under the authority of one supply vote, of a payment charged against another supply vote,*
- (iii) a reimbursement, under the authority of one part of a supply vote or Heritage Fund vote, of a payment charged against another part of the same supply vote or Heritage Fund vote,*
- (iv) a payment authorized by a statutory appropriation, other than a statutory appropriation authorizing a payment to a revolving fund, or*
- (v) a payment from a revolving fund;*

(h) “Heritage Fund vote” means the authority contained in an Act referred to in section 6(2)(a) of the Alberta Heritage Savings Trust Fund Act and identified as a vote in the Act so referred to, to invest the amount of money in the Alberta Heritage Savings Trust Fund indicated in the vote;

(s) “regulated fund” means a fund containing public money except public money

- (i) forming part of the General Revenue Fund,*
- (ii) received by a revenue officer for deposit in the General Revenue Fund that has not been deposited in the General Revenue Fund,*
- (iii) owned or held by a Provincial agency, or*

(ii) the authority to invest the amount of money deemed to be a Heritage Fund vote by virtue of section 6(2.3) of the *Alberta Heritage Savings Trust Fund Act*;

(e) in clause (s) by adding “or” at the end of subclause (ii), by striking out “or” at the end of subclause (iii) and by repealing subclause (iv);

(f) by adding the following after clause (u):

(u.1) “Risk Management Fund” means the Alberta Risk Management Fund established under section 76.1;

3 Section 2(5) is amended by striking out “section 18.1 applies” and substituting “sections 18.1 and 76.1 apply”.

4 Section 13(3) is amended by striking out “39(a)” and substituting “39(1)”.

5 Section 18.1(4) is amended by striking out “, general management, insurance and risk management” and substituting “and general management”.

6 Section 29(1) is amended by striking out “and” at the end of clause (b) and by adding the following after clause (b):

(b.1) the proposed Capital Fund votes that are to be voted on by the Legislative Assembly, and

(iv) invested under the authority of a Heritage Fund vote in an investment that, when made, forms part of the Capital Projects Division of the Alberta Heritage Savings Trust Fund,
but does not include a revolving fund or the Treasury Branches Deposits Fund;

3 Section 2(5) presently reads:

(5) This Act does not apply to

- (a) the board of a university under the Universities Act,*
- (a.1) the interim governing body of a university under the Universities Act,*
- (b) the board of a public college under the Colleges Act,*
- (c) The Governors of the Banff Centre for Continuing Education,*
- (c.1) the board of a technical institute under the Technical Institutes Act,*
- (c.2) the interim governing authority of a technical institute under the Technical Institutes Act,*
- (d) the Alberta Heritage Foundation for Medical Research,*
- (e) the board of management of a Provincial General Hospital under the Provincial General Hospitals Act,*
- (e.1) a mental health hospital board under the Mental Health Act,*
- (f) the Alberta Cancer Board, or*
- (g) the University Hospitals Board under the University of Alberta Hospitals Act,*

except that this section and section 81 apply to the corporations described in clauses (a) to (g) as if they were Provincial corporations and section 18.1 applies as if they were Provincial agencies.

4 Section 13(3) presently reads:

(3) An authorization under subsection (1)(b) or (c) to exercise the powers of the Provincial Treasurer under sections 17, 39(a), 74(a) and 77 shall only be made with the prior approval in writing of the Treasury Board.

5 Section 18.1(4) presently reads:

(4) The Provincial Treasurer may make payments from the revolving fund to acquire equipment, supplies and services required to provide financial, general management, insurance and risk management services to the Treasury Department and to Provincial agencies, including those agencies listed in section 2(5), and may charge to the Treasury Department and the Provincial agencies the cost of the services provided.

6 Section 29 presently reads:

29(1) Estimates shall contain

- (a) the proposed supply votes that are to be voted on by the Legislative Assembly,*

7 *Section 30 is amended*

(a) *in subsection (1) by striking out “himself” and substituting “the Lieutenant Governor”;*

(b) *by repealing subsection (5) and substituting the following:*

(5) When a special warrant has been prepared and signed pursuant to this section, the amounts authorized by it are deemed to be included in, and not to be in addition to, the amounts authorized by the Act, not being

(a) an Act for interim supply, or

(b) an Act for granting to Her Majesty sums of money to make expenditures only from the Capital Fund,

enacted next after the signing of the warrant for granting to Her Majesty sums of money to defray certain expenditures of the Public Service of Alberta.

8 *Section 32 is amended*

(a) *by striking out “a supply vote or a Heritage Fund vote” wherever it occurs and substituting “a supply vote, a Heritage Fund vote or a Capital Fund vote”;*

(b) *in subsection (1) by striking out “the supply vote or the Heritage Fund vote” and substituting “the supply vote, the Heritage Fund vote or the Capital Fund vote”;*

(c) *in subsection (4)(a) by striking out “the supply vote or a Heritage Fund vote” and substituting “the supply vote, the Heritage Fund vote or the Capital Fund vote”.*

(b) the amounts permitted or required to be paid out of the General Revenue Fund pursuant to this or any other Act that are not required to be voted on by the Legislative Assembly, and

(c) any other information that the Provincial Treasurer considers appropriate.

(2) Estimates shall be prepared by the Provincial Treasurer.

7 Section 30(1) and (5) presently read:

30(1) When at any time the Legislative Assembly is not in session the Provincial Treasurer

(a) reports that the Minister having charge of any matter has certified that, in the public interest, an expenditure of public money is urgently required with respect to that matter, and

(b) reports either that

(i) there is no supply vote under which an expenditure with respect to that matter may be made, or

(ii) there is a supply vote under which an expenditure with respect to that matter may be made but the authority available under the supply vote is insufficient,

the Lieutenant Governor in Council may order a special warrant to be prepared to be signed by himself authorizing the expenditure of the amount of money estimated to be required.

(5) When a special warrant has been prepared and signed pursuant to this section, the amounts authorized by it are deemed to be included in, and not to be in addition to, the amounts authorized by the Act, not being an Act for interim supply, enacted next after the signing of the warrant for granting to Her Majesty sums of money to defray certain expenditures of the Public Service of Alberta.

8 Section 32 presently reads:

32(1) After the end of a fiscal year

(a) no expenditure shall be made under the authority of a supply vote or a Heritage Fund vote for that fiscal year, and

(b) no disbursement shall be made from that part of a regulated fund made up of payments under the authority of a supply vote for that fiscal year,

except pursuant to subsection (4), and the authority to make expenditures or disbursements from the balance of the supply vote or the Heritage Fund vote or the balance of that part of the regulated fund made up of payments under the authority of a supply vote, not charged with a liability pursuant to subsection (4), lapses.

(2) The deputy head of a department or a fund administrator shall, within a period after the end of a fiscal year as set by the Treasury Board, record and submit to the Provincial Treasurer, in the form and manner prescribed by the Provincial Treasurer, a record of all liabilities relating, for that fiscal year,

(a) to a supply vote or a Heritage Fund vote under the administration of the department head of the department of which he is deputy head, or

(b) to that part of a regulated fund of which he is fund administrator, made up of payments under the authority of a supply vote.

9 *Section 37(1)(b) is repealed and the following is substituted:*

(b) the proposed expenditure

(i) is to be made under a written contract specifying the amount of the proposed expenditure in total or as an amount per unit and approved by an expenditure officer for the department, and the proposed expenditure is in accordance with the contract, or

(ii) is in an amount that an expenditure officer for the department has certified is fair and just,

(3) The Provincial Treasurer shall, within a period after the end of the fiscal year as set by the Treasury Board, record any liabilities relating, for that fiscal year, to a supply vote or a Heritage Fund vote or to a regulated fund made up of payments under the authority of a supply vote.

(4) Liabilities recorded pursuant to subsection (3) shall be paid and charged against a supply vote or a Heritage Fund vote or regulated fund to the extent of the authority available for that fiscal year

(a) to make disbursements from the supply vote or a Heritage Fund vote, or

(b) to make disbursements from that part of the regulated fund made up of payments under the authority of a supply vote,

and, if the authority available is insufficient, may be paid and charged against a supply vote or a Heritage Fund vote or that part of a regulated fund made up of payments under the authority of a supply vote, as the case may be, for the following fiscal year.

(5) Any liability charged under subsection (4) against a supply vote or a Heritage Fund vote or regulated fund for a following fiscal year shall be reported in the public accounts for the fiscal year in which the liability was incurred.

(6) The Provincial Treasurer may make regulations or issue directives prescribing the form and manner in which liabilities are to be recorded and submitted under subsection (2).

(7) For the purposes of this section, the Provincial Treasurer may determine what constitutes a liability and, in respect of a regulated fund, what part of that regulated fund is made up of payments under the authority of a supply vote, and his determination is conclusive.

9 Section 37(1) presently reads:

37(1) No request for an expenditure shall be made without the certification of an accounting officer for the department whose department head has the administration of the appropriation against which the proposed expenditure is to be charged or pursuant to which it is to be made or the administration of the revolving fund from which the proposed expenditure is to be made, that

(a) the proposed expenditure was authorized by an expenditure officer for the department,

(b) an expenditure officer for the department has certified that

(i) if there is a written contract relating to the proposed expenditure, it is in accordance with the contract and, if the amount of the proposed expenditure is not specified in the contract, the amount is fair and just, or

(ii) if there is no written contract relating to the proposed expenditure, the amount of the proposed expenditure is fair and just,

(c) the proposed expenditure is for a purpose authorized by the applicable appropriation or for a purpose for which the revolving fund was established,

(d) in the case of a proposed expenditure for goods supplied or services rendered, a person authorized by the deputy head of the department to certify that the goods or services were received has so certified, and

(e) the amount of the proposed expenditure is accurate.

10 Section 39(1)(a)(i) is repealed and the following is substituted:

(i) in the case of an expenditure charged against a supply vote, a Heritage Fund vote or a Capital Fund vote, there is authority under the supply vote, Heritage Fund vote or Capital Fund vote for the purpose of making the expenditure,

11 Section 43(4) is amended by striking out “section 39(b)” and substituting “section 39(1)(b)”.

12 Section 50.1 is amended by renumbering it as section 50.1(1) and by adding the following after subsection (1):

(2) Any securities acquired by disbursement from the Capital Fund under the authority of this or any other Act shall form part of the Capital Fund and be held and administered by the Provincial Treasurer.

13 The following is added after section 60.1:

60.2(1) There is hereby established a fund to be known as the Alberta Capital Fund.

(2) The Provincial Treasurer shall hold and administer the Capital Fund in accordance with this Act.

(3) The Provincial Treasurer shall establish and maintain a separate accounting record of the Capital Fund.

(4) The Provincial Treasurer may advance money from the General Revenue Fund to the Capital Fund or from the Capital Fund to the General Revenue Fund.

(5) The income of the Capital Fund accrues to and forms part of the Capital Fund.

(6) Expenditures from the Capital Fund shall be made only if money is first appropriated from the Capital Fund by an Act of the Legislature.

60.3(1) When at any time the Legislative Assembly is not in session the Provincial Treasurer

(a) reports that the Minister having charge of any matter has certified that, in the public interest, an expenditure of public money from the Capital Fund is urgently required with respect to that matter, and

(b) reports that either

(i) there is no Capital Fund vote under which an expenditure with respect to that matter may be made, or

10 Section 39(1)(a)(i) presently reads:

39(1) Except as otherwise provided in this Act, the Provincial Treasurer shall implement those procedures that he considers necessary

(a) in the case of an expenditure charged against or made pursuant to an appropriation or made from a revolving fund, to satisfy himself that

(i) in the case of an expenditure charged against a supply vote or a Heritage Fund vote, there is authority available under the supply vote or Heritage Fund vote for the purpose of making the expenditure,

11 Section 43(4) presently reads:

(4) The deputy head of the department, the fund administrator or any person authorized by the deputy head or fund administrator shall perform the function of the Provincial Treasurer under section 39(b) in relation to any disbursement made from an accountable advance made under subsection (1)(a).

12 Section 50.1 presently reads:

50.1 Any securities acquired by disbursement from the General Revenue Fund under the authority of this or any other Act or a supply vote shall form part of the General Revenue Fund and be held and administered by the Provincial Treasurer.

13 Establishment of the Alberta Capital Fund.

(ii) there is a Capital Fund vote under which an expenditure with respect to that matter may be made but the authority available under the Capital Fund vote is insufficient,

the Lieutenant Governor in Council may order a special warrant to be prepared to be signed by the Lieutenant Governor authorizing the expenditure of the amount of money estimated to be required.

(2) For the purposes of subsection (1), if the Legislative Assembly is adjourned for a period of more than 14 days, the Assembly shall be deemed not to be in session during the period of the adjournment.

(3) When a special warrant is prepared and signed under subsection (1) on the basis of a report referred to in subsection (1)(b)(i), the authority to spend the amount of money specified in the special warrant for the purpose specified in the special warrant is deemed to be a Capital Fund vote for the purposes of this Act.

(4) When a special warrant has been prepared and signed under subsection (1) on the basis of a report referred to in subsection (1)(b)(ii), the authority to spend the amount of money specified in the special warrant is, for the purposes of this Act, added to and deemed to be part of the Capital Fund vote to which the report relates.

(5) When a special warrant has been prepared and signed pursuant to this section, the amounts authorized by it are deemed to be included in, and not to be in addition to, the amounts authorized by the Act, not being an Act for interim supply, enacted next after the signing of the warrant for granting to Her Majesty sums of money to make expenditures from the Capital Fund.

14 Section 61 is amended

(a) in subsection (1) by striking out “borrow” and substituting “raise”;

(b) by repealing subsection (1)(a) and substituting the following:

(a) depositing money in the Loan Fund,

(a.1) depositing money in the Capital Fund,

(c) in subsection (2) by striking out “borrowings made” and substituting “money raised”;

(d) by adding the following after subsection (2):

(3) The Provincial Treasurer may enter into interest rate exchange agreements or currency exchange agreements in connection with the payment of obligations incurred in respect of money raised.

15 Section 62 is amended

(a) in subsection (1) by striking out “borrow” and substituting “raise”;

14 Section 61 presently reads:

61(1) The Lieutenant Governor in Council may, by order, authorize the Provincial Treasurer to borrow money on behalf of the Crown in the amounts set out in the order for the purposes of

- (a) making loans and purchasing securities under section 62.1(2),*
- (b) making any other disbursements under this Act, or*
- (c) any combination of the purposes referred to in clauses (a) and (b).*

(2) The Provincial Treasurer shall prepare for each fiscal year a report of the borrowings made under subsection (1) during that fiscal year for which Government securities were issued.

15 Section 62 presently reads:

62(1) An order in council under section 61 may authorize the Provincial Treasurer to borrow money in one or more of the following ways or a combination of them:

- (a) by the issue and sale of Government securities;*

(b) in subsection (2)(a)

(i) by striking out “a loan to be secured” and substituting “money to be raised”;

(ii) in subclause (i) by striking out “that may be borrowed” and substituting “of securities that may be issued”;

(iii) in subclause (ii) by striking out “borrowing may take place” and substituting “money may be raised”.

16 Section 62.1 is amended

(a) by repealing subsection (1) and substituting the following:

62.1(1) The Provincial Treasurer shall deposit into the Loan Fund money raised under the authority of section 61(1)(a).

(b) in subsection (2) by striking out “loans to and purchase” and substituting “loans to or purchase”;

(c) in subsection (3) by striking out “made to and securities” and substituting “made to or securities”.

(b) by loans from a bank, treasury branch or person by way of overdraft or line of credit;

(c) by issuing and pledging Government securities or pledging securities that are not Government securities;

(d) in any other manner that the order may specify.

(2) An order in council under section 61 shall specify

(a) in relation to a loan to be secured by the issue and sale of a class or classes of Government securities other than treasury bills or notes,

(i) the gross amount that may be borrowed,

(ii) the time within which the borrowing may take place,

(iii) the maturity date or dates for and the maximum interest rate of the securities that are to be issued,

(iv) the currency in which the securities are to be issued,

(v) if the securities are to be sold at a discount, the minimum price for which they may be sold,

(vi) if a premium is to be paid on redemption of the securities, the maximum premium that may be paid, and

(vii) whether a sinking fund is to be established from which the indebtedness is to be repaid;

(b) in relation to the issue and sale of treasury bills or notes,

(i) the gross amount of treasury bills or notes that may be outstanding or issued,

(ii) in the case of treasury bills or notes that are to be sold at a discount, the minimum price for which they may be sold,

(iii) in the case of treasury bills or notes that are to bear interest at a fixed rate of interest, the maximum interest rate that they may bear,

(iv) in the case of notes that are to bear interest at a variable rate of interest, the maximum interest rate that they may bear expressed in relation to another specified rate of interest,

(v) the maturity date or dates or the term or terms of the treasury bills or notes that are to be issued, and

(vi) the currency in which the treasury bills or notes are to be issued.

16 Section 62.1(1) to (3) presently read:

62.1(1) Money borrowed in accordance with section 61(1)(a) shall be deposited in the Loan Fund.

(2) The Lieutenant Governor in Council, by order and in respect of a Provincial corporation, may authorize the Provincial Treasurer to make loans to and purchase securities of that Provincial corporation by using money from the Loan Fund on any terms and conditions that the order may contain.

(3) Any money paid to the Provincial Treasurer by a Provincial corporation in connection with loans made to and securities purchased from that corporation pursuant to subsection (2) shall form part of the Loan Fund.

17 *The following is added after section 62.1:*

62.2(1) The Provincial Treasurer shall deposit into the Capital Fund money raised under the authority of section 61(1)(a.1).

(2) Money forming part of the Capital Fund that is not immediately required for the purposes of the Fund may be invested by the Provincial Treasurer in accordance with the investment powers set out in Part 5 with respect to the General Revenue Fund.

(3) The Provincial Treasurer may be designated as a depositor, on behalf of the Capital Fund, in the Consolidated Cash Investment Trust Fund.

(4) If at any time it appears to the Provincial Treasurer that there is money in the Capital Fund that is not required for the purposes of the Capital Fund, the Provincial Treasurer, with the approval of the Treasury Board, may transfer the money to the General Revenue Fund.

18 *Section 64(1) is amended*

(a) *by striking out “When a loan” and substituting “When the raising of money”;*

(b) *by striking out “by way of loan” and substituting “of”;*

(c) *by striking out “of the loan”.*

19 *Section 65(1) is amended*

(a) *by striking out “borrowed for the purpose referred to in section 61(1)(b)” and substituting “raised for the purposes referred to in section 61(1)(a.1) and (b)”;*

(b) *by striking out “\$2 200 000 000” and substituting “\$5 500 000 000”.*

20 *Section 66(1) is amended*

(a) *by striking out “by way of loan”;*

(b) *in clause (a) by striking out “a loan to be secured” and substituting “money to be raised”;*

(c) *by repealing clause (a)(i) and substituting the following:*

(i) the forms of securities that may be issued,

(d) *in clause (a)(vii) by striking out “loan may be repaid” and substituting “amount owing in respect of the securities is to be paid”;*

(e) *in clause (a)(viii) by striking out “to a loan”;*

(f) *in clause (b) by striking “treasury bills” and substituting “money to be raised by the issue and sale of treasury bills”;*

17 Capital Fund deposits.

18 Section 64(1) presently reads:

64(1) When a loan by the Government is authorized by an order of the Lieutenant Governor in Council under section 61 or any other Act and the order authorized the raising by way of loan a specific or maximum amount of Canadian dollars by the issue and sale of Government securities, then, if the amount of the loan is raised, in whole or in part, by the issue and sale of Government securities payable in the currency of a country other than Canada, the order shall be construed as authorizing the raising of an equivalent amount in that other currency calculated in accordance with the nominal rate of exchange between the Canadian dollar and the currency concerned on the business day next preceding the day on which the order in council authorizing the Government securities to be issued was enacted, as that nominal rate is determined by any bank in Canada.

19 Section 65(1) presently reads:

65(1) The amount of the unredeemed Government securities issued in respect of money borrowed for the purpose referred to in section 61(1)(b) less the amount of the sinking funds established for the retirement of Government securities and the interest accrued on those sinking funds shall at no time exceed \$2 200 000 000.

20 Section 66(1) presently reads:

66(1) Subject to sections 61, 62 and 65, the Provincial Treasurer may, in his discretion, determine the amount of and the manner in which money is to be raised on behalf of the Crown by way of loan, and without limiting the generality of the foregoing, may specify

(a) in relation to a loan to be secured by the issue and sale of a class or classes of Government securities other than treasury bills,

(i) the form of security, if any, that may be given,

(ii) the classes and denominations of securities that may be issued,

(iii) the interest rate that the securities may bear,

(iv) the amount for which the securities may be sold whether that amount is at par value or more or less than par value of the security,

(g) in clause (b) by striking out “they” wherever it occurs and substituting “the treasury bills”;

(h) in clause (c) by striking out “secured”;

(i) by striking out all that portion of clause (d) preceding subclause (i) and substituting the following:

(d) in relation to Government securities that are to be issued and pledged or securities that are not Government securities that are to be pledged to secure the payment of money,

21 Section 67(1) is amended by striking out “borrowing” and substituting “raising”.

22 Section 69(2) is amended

(a) by striking out all that portion preceding clause (a) and substituting the following:

(2) Money required in connection with Government securities or in connection with money raised pursuant to section 61 other than by the issue of Government securities

(b) in clause (b) by striking out “borrowed” and substituting “raised”;

(c) by repealing clauses (e) and (f) and substituting the following:

(e) to pay the costs, expenses and charges incurred in negotiations entered into in respect of the raising of money or in the raising of money by the Crown or in the issuing, redeeming, servicing, paying or managing of obligations in respect of money raised and Government securities issued in respect of those obligations,

(v) *the premium, if any, that may be paid on the redemption of the securities,*

(vi) *whether the securities will be redeemable prior to maturity at the option of the Provincial Treasurer or the holder of the securities, and if they are so redeemable, whether a premium will be paid or a discount applied, as the case may be,*

(vii) *the time and place at which, and the manner and currency in which the loan may be repaid,*

(viii) *the rates of exchange that will apply to a loan,*

(ix) *the conditions governing the registration and transfer of the securities within and outside of Alberta, and*

(x) *the conditions governing the exchange of securities of one form or denomination for securities of a different form or denomination but bearing the same rate of interest and in the equivalent aggregate principal amount;*

(b) *in relation to treasury bills,*

(i) *the price or prices for which they may be sold or the rate of interest that they may bear, as the case may be,*

(ii) *the times at which they may be sold, and*

(iii) *whether they may be sold by private or public tender;*

(c) *in relation to a loan secured by way of overdraft or line of credit, the rate of interest that may be paid;*

(d) *in relation to a loan secured by issuing and pledging Government securities or pledging securities that are not Government securities,*

(i) *the classes and amounts of Government securities that may be issued and pledged,*

(ii) *the value of the securities that are not Government securities that may be pledged, and*

(iii) *the rate of interest that may be paid.*

21 Section 67(1) presently reads:

67(1) The Provincial Treasurer shall execute Government securities and may execute any other instrument necessary or desirable in connection with the borrowing of money under this Part.

22 Section 69(2) presently reads:

(2) Money required in connection with borrowings authorized pursuant to section 61(1)

(a) *to provide a sinking fund or other means of ensuring repayment,*

(b) *to redeem or repay the principal amount of Government securities or to repay the principal amount of money borrowed other than by the issue of Government securities,*

(c) *to pay a premium in connection with the redemption of Government securities or the repayment of money,*

(d) *to pay the remuneration and compensation of registrars, transfer agents and fiscal agents whose services are engaged in connection with any matter related to Government securities,*

(e) *to pay the costs, expenses and charges incurred in the negotiation or raising of loans by the Government or in the issue, redemption, servicing, payment and management of loans and Government securities issued in respect of these loans, and*

(f) to pay interest in respect of Government securities or money raised other than by the issue of Government securities, and

(f.1) to make the payments required under an interest rate exchange agreement or a currency exchange agreement,

(d) *in clause (g) by striking out “borrowings authorized” and substituting “money raised”;*

(e) *in clause (h) by striking out “borrowings authorized” and substituting “money raised”;*

(f) *by striking out “and” at the end of clause (h) and by adding the following after clause (h):*

(h.1) from the Capital Fund in respect of money raised pursuant to section 61(1)(a.1) to the extent that sufficient funds are available in the Capital Fund to meet the requirements,

(h.2) from the General Revenue Fund in respect of money raised pursuant to section 61(1)(a.1) to the extent that sufficient funds are not available in the Capital Fund to meet the requirements, and

(g) *by repealing clause (i) and substituting the following:*

(i) from the General Revenue Fund in all other cases,

23 *Section 72(1) is repealed and the following is substituted:*

72(1) In this Part,

(a) “guarantee” means a guarantee by the Crown or a Provincial corporation of a debt;

(b) “indemnity” means an undertaking by the Crown or a Provincial corporation

(i) to perform an obligation of a person under a contract, on the default of that person, or

(ii) to hold harmless a party to a contract from a loss suffered as a result of

(A) the default of another party to the contract, or

(B) a provision of the contract,

but does not include a guarantee.

24 *The following is added after section 76:*

76.1(1) There is hereby established a fund to be known as the Alberta Risk Management Fund.

(2) The Provincial Treasurer shall hold and administer the Risk Management Fund in accordance with this Act.

(3) The Provincial Treasurer shall establish and maintain a separate accounting record of the Risk Management Fund.

(4) The Provincial Treasurer may be designated as a depositor, on behalf of the Risk Management Fund, in the Consolidated Cash Investment Trust Fund.

(f) to pay interest on the money borrowed,
shall be paid
(g) from the Loan Fund in respect of borrowings authorized pursuant to section 61(1)(a) to the extent that sufficient funds are available in the Loan Fund to meet the requirements,
(h) from the General Revenue Fund in respect of borrowings authorized pursuant to section 61(1)(a) to the extent that sufficient funds are not available in the Loan Fund to meet the requirements, and
(i) from the General Revenue Fund in respect of borrowings authorized pursuant to section 61(1)(b),
except where the payment is made from a sinking fund or by other means pursuant to subsection (1).

23 Section 72(1) presently reads:

72(1) In this Part,

(a) "guarantee" means a guarantee by the Crown or a Provincial corporation of a debt;

(b) "indemnity" means an undertaking by the Crown or a Provincial corporation

(i) to perform an obligation of a person under a contract, on the default of that person, or

(ii) to hold harmless a party to a contract from a loss suffered as a result of

(A) the default of another party to the contract, or

(B) a provision of the contract,

but does not include a guarantee.

24 Establishment of the Alberta Risk Management Fund.

- (5) The Provincial Treasurer may advance to the Risk Management Fund from the General Revenue Fund money required for the purposes of this section, but the amount of the advances outstanding at any time shall not exceed \$25 000 000.
- (6) If at any time it appears to the Provincial Treasurer that there is money in the Risk Management Fund that is not required for the purposes of the Risk Management Fund, the Provincial Treasurer, with the approval of the Treasury Board, may transfer the money to the General Revenue Fund.
- (7) The following shall be paid into the Risk Management Fund:
- (a) income earned by the Risk Management Fund;
 - (b) amounts paid by or in respect of a participant under an agreement entered into or arrangement made under subsection (9);
 - (c) money required to be paid into the Risk Management Fund pursuant to regulations made under subsection (11).
- (8) The following shall be paid out of the Risk Management Fund:
- (a) notwithstanding section 75, amounts payable by the Crown under an agreement entered into or arrangement made under subsection (9);
 - (b) the cost of any contract of insurance entered into by the Crown in respect of an agreement entered into or an arrangement made under subsection (9);
 - (c) money required to be paid out of the Risk Management Fund pursuant to regulations made under subsection (11);
 - (d) an amount required to be transferred pursuant to subsection (6).
- (9) Subject to the regulations made under subsection (11), the Provincial Treasurer, on behalf of the Crown, may enter into an agreement or make other arrangements with a participant.
- (10) For the purposes of this section participants include the following:
- (a) unless the Treasury Board prescribes otherwise,
 - (i) departments and Provincial agencies, and
 - (ii) the offices of the Alberta Legislative Assembly, the Auditor General, the Chief Electoral Officer and the Ombudsman;
 - (b) participants and classes of participants prescribed by the Treasury Board.
- (11) For the purposes of this section, the Treasury Board may make regulations
- (a) respecting participants;
 - (b) respecting the terms and conditions that apply to an agreement entered into or an arrangement made under subsection (9);
 - (c) respecting the money required to be paid into or out of the Risk Management Fund.

25 *Section 77(2)(a)(ii) is repealed.*

26 *The following is added after section 82.1:*

82.2(1) The Treasury Board may make regulations

(a) respecting the fees payable to the Crown for services rendered by the Crown to members of the public where fees are not otherwise provided for;

(b) respecting the liability of persons for the payment of interest on amounts owing to the Crown where interest is not otherwise provided for, the rates of interest payable and the computation of interest payable.

(2) Notwithstanding section 2(1), the *Regulations Act* applies to a regulation made under subsection (1)(b).

27 *The Department of Advanced Education Act is amended in section 6(1)(b) by adding “or a Capital Fund vote” after “supply vote”.*

28 *The Department of Hospitals and Medical Care Act is amended in section 7(1)(b) by adding “or a Capital Fund vote” after “supply vote”.*

29 *This Act is deemed to have come into force on April 1, 1986.*

25 Section 77(2) presently reads:

(2) The public accounts for a fiscal year shall include

(a) for the General Revenue Fund, a Provincial agency, a revolving fund and those regulated funds that the Provincial Treasurer considers appropriate,

(i) financial statements, for the fiscal year of the Crown or the Provincial agency, as the case may be, including

(A) statements showing the financial position, results of operations and changes in financial position,

(B) a statement of the accounting policies followed in preparing the financial statements, and

(C) any other statements, reports, schedules, accounts, notes, explanations and information relating to the financial statements that the Provincial Treasurer may require, and

(ii) a summary of assets and liabilities,

(b) a summary of expenditures made under each appropriation,

(c) the reports or statements prepared pursuant to sections 28, 32(5), 42, 61(2), 68(2) and 76, and

(d) any supplementary schedules, statements, explanations and financial statements that the Provincial Treasurer may require.

26 Regulations.

27 Amends chapter D-11.1 of the Statutes of Alberta, 1983.

28 Amends chapter D-22 of the Revised Statutes of Alberta 1980.

29 Coming into force.