

1988 BILL 9

Third Session, 21st Legislature, 37 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 9

ALBERTA RESEARCH COUNCIL AMENDMENT ACT, 1988

MR. BRADLEY

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 9
Mr. Bradley

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ALBERTA RESEARCH COUNCIL AMENDMENT ACT, 1988

(Assented to _____, 1988)

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

1 *The Alberta Research Council Act is amended by this Act.*

2 *Section 1 is amended by adding the following after clause (b):*

(b.1) "Minister" means the member of the Executive Council charged by the Lieutenant Governor in Council with the administration of this Act;

3 *Section 4 is repealed and the following is substituted:*

4(1) The Alberta Research Council may

(a) conduct research in the natural sciences and engineering in subjects that may be beneficial to the development of resources or industry or that enhance the quality of life of Albertans;

(b) enter into agreements through which the Council may conduct research described in clause (a) on behalf of others, participate with others in research projects or have others conduct research on its behalf;

(c) develop and stimulate the application of technology;

(d) enter into agreements through which the Council participates directly or indirectly in the development and application of technology whether or not that technology arises out of research conducted by or on behalf of the Council;

(e) do anything that in the opinion of the board is incidental or conducive to the carrying out of the powers or the performance of the duties of the Council under this section.

(2) The Alberta Research Council shall

(a) at the request of the Minister, give him advice respecting research or technology that affects resources or industry in Alberta, and

(b) supervise, in accordance with the directions of the Minister, activities that affect research or technology in Alberta.

Explanatory Notes

1 This Bill will amend chapter A-35.1 of the Statutes of Alberta, 1981.

2 Definition.

3 Section 4 presently reads:

4(1) The Alberta Research Council may conduct, on a scientific or engineering basis,

(a) research related to the utilization and upgrading of the natural resources of Alberta;

(b) research on new and improved technical processes and methods that are or might be used in Alberta industries;

(c) research on behalf of or pursuant to agreements with persons, firms or organizations that wish to avail themselves of the expertise and facilities of the Alberta Research Council;

(d) basic and applied research in the natural sciences with the objective of improving the welfare and progress of urban and rural life in Alberta;

(e) research to ensure the effective application of technology developed by the Alberta Research Council in both the public and private sectors of Alberta.

(2) The Alberta Research Council

(a) shall, at the request of the Executive Council, advise it on questions of scientific and technological methods affecting the expansion of industries or the utilization of the natural resources of Alberta, and

(b) shall supervise matters affecting scientific and industrial research assigned to it by the Lieutenant Governor in Council.

4 Section 5 is amended

(a) by repealing subsections (1) and (2) and substituting the following:

5(1) The board consists of the president and not more than 15 other members appointed by the Lieutenant Governor in Council in accordance with subsection (2).

(2) Appointments to the board shall be made in accordance with the following:

(a) 1 member must be a member of the Executive Council;

(b) 1 or more members may be members of the Legislative Assembly not described in clause (a);

(c) 1 or more members may be selected from persons nominated jointly by the Governors of The University of Alberta, The University of Calgary and The University of Lethbridge, but must not be persons described in clause (a) or (b);

(d) no fewer than 8 members must be persons who are not employees of the Government and are not described in clause (a), (b) or (c).

(b) in subsection (3) by striking out “referred to in subsection (2)(a) and (b)”;

(c) in subsection (5) by striking out “subsection (2)(c)” and substituting “subsection (2)(c) or (d)”;

(d) by repealing subsection (6);

(e) in subsection (8) by striking out “subection” and substituting “subsection”;

(f) in subsection (9) by adding “except subsection (8)” after “section”.

5 Section 11 is amended

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

(c) the directors, officers and employees of the Alberta Research Council;

(b) in subsection (1)(f) by striking out “to carry out its duties”;

(c) by repealing subsection (3).

4 Section 5 presently reads in part:

5(1) The members of the board shall consist of the president and not more than 14 other persons appointed by the Lieutenant Governor in Council.

(2) Persons appointed under subsection (1) shall include

(a) 2 members of the Executive Council;

(b) 1 member of the Legislative Assembly other than a person described in clause (a);

(c) 2 persons nominated jointly by the Governors of The University of Alberta, The University of Calgary and The University of Lethbridge other than a person described in clause (a) or (b);

(d) at least 7 persons not described in clauses (a), (b) or (c).

(3) The Lieutenant Governor in Council may appoint a chairman and vice-chairman from among the members referred to in subsection (2)(a) and (b).

(5) The term of office of a director appointed under subsection (2)(c) is 3 years.

(6) When this Act first comes into force, the term of office of a director appointed under subsection (2)(d)

(a) for 2 directors, shall be 4 years,

(b) for 2 directors, shall be 3 years, and

(c) for the remaining directors, shall be 2 years,

but afterwards the term of office shall be 3 years.

(8) If a director appointed under subsection (2)(a) or (b) ceases to be a member of the Executive Council or the Legislative Assembly, as the case may be, his appointment is terminated.

(9) Notwithstanding anything in this section, the term of office of a director may continue until a director is appointed in his place.

5 Section 11(1) and (3) presently read:

11(1) The board may make by-laws respecting

(a) the business, operation and affairs of the board;

(b) the calling of meetings of the board;

(c) the duties and conduct of the directors;

(d) the business, affairs and operation of the Alberta Research Council;

(e) the signing of agreements on behalf of the Alberta Research Council;

(f) the establishment of committees to advise or assist the board to carry out its duties;

(g) the business, operation and meeting procedure of committees.

(3) The by-laws made under this section take effect on being published in The Alberta Gazette or on a later date specified in the by-law.

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

(2) The Alberta Research Council may enter into agreements to engage the services of agents, advisors or persons providing special, technical or professional services of a kind required by the Council in connection with its business and affairs and may pay their remuneration, fees and expenses.

7 *Section 15 is repealed and the following is substituted:*

15 The Alberta Research Council, subject to the approval of the Lieutenant Governor in Council and in connection with the powers conferred and duties imposed on it under this Act, may acquire real property, construct buildings or improvements or hold or dispose of real property.

8 *Section 16 is amended by striking out “its duties” and substituting “the powers conferred and duties imposed on it”.*

9 *Section 17 is amended*

(a) *in subsection (1) by striking out “section 12 shall, unless otherwise directed” and substituting “section 12(1) shall, unless otherwise directed by”;*

(b) *by repealing subsection (2) and substituting the following:*

(2) The Alberta Research Council may compensate a person who has made a discovery, invention or improvement referred to in subsection (1).

10 *Section 18 is repealed.*

11 *Section 22 is repealed and the following is substituted:*

22 The Alberta Research Council may publish and sell or otherwise distribute information respecting or obtained in the course of its operations.

6 Section 12 presently reads:

12 The Alberta Research Council may enter into agreements to engage the services of persons it considers necessary and may prescribe their duties and conditions of employment and pay their fees, salary, remuneration and expenses.

7 Section 15 presently reads:

15 The Alberta Research Council, subject to the approval of the Lieutenant Governor, may, in connection with its duties under this Act acquire land, buildings or improvements, construct buildings or improvements or dispose of land, buildings or improvements.

8 Section 16 presently reads:

16 The Alberta Research Council, in connection with its duties under this Act, may acquire, hold and dispose of personal property.

9 Section 17 presently reads:

17(1) All discoveries, inventions and improvements made in processes, apparatus or machines by a person while engaged under section 12 shall, unless otherwise directed the Alberta Research Council,

(a) be vested in the Alberta Research Council, and

(b) be made available to the public under conditions and payment of fees or royalties or otherwise that the Alberta Research Council may determine.

(2) The Alberta Research Council may pay bonuses or royalties that in its opinion are warranted to persons engaged under section 12 who have made valuable discoveries, inventions or improvements in processes, apparatus and machines.

10 Section 18 presently reads:

18 The Provincial Treasurer shall pay the money voted by the Legislature for the purpose of the Alberta Research Council in equal monthly instalments to the Alberta Research Council unless otherwise agreed between the Provincial Treasurer and the Alberta Research Council.

11 Section 22 presently reads:

22 The Alberta Research Council may publish any scientific and technical information that it considers necessary or desirable.