

1989 BILL 220

First Session, 22nd Legislature, 38 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 220

INSTRUCTIONAL MATERIALS PRODUCTION ACT

MR. JONSON

First Reading ~~11-1-89~~
Second Reading
Committee of the Whole
Third Reading
Royal Assent

Bill 220
Mr. Jonson

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1989

INSTRUCTIONAL MATERIALS PRODUCTION ACT

(Assented to , 1989)

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

Definitions

1 In this Act,

- (a) "Board" means the Board of Directors of the Corporation;
- (b) "Corporation" means the Instructional Materials Development Corporation;
- (c) "Fund" means the Instructional Materials Development Fund;
- (d) "instructional materials" includes any printed material, computer software, film, tape or other medium to be used for education or instruction;
- (e) "Minister" means the member of the Executive Council charged by the Lieutenant Governor in Council with the administration of this Act.

Instructional
Materials
Development
Corporation

2(1) There is hereby established a corporation with the name "Instructional Materials Development Corporation" which shall consist of the members of the Board.

(2) The affairs of the Corporation shall be conducted by a Board of Directors consisting of not less than 5 nor more than 7 members appointed by the Lieutenant Governor in Council.

(3) The Lieutenant Governor in Council shall designate a member of the Board as chairman.

(4) The Corporation shall pay to the members of the Board who are not officers or employees of the Crown nor officers or employees of any agency of the Crown remuneration for their services at the rates prescribed by the Lieutenant Governor in Council.

(5) The Corporation shall pay to the members of the Board such remuneration and reimbursement of travelling and living expenses while absent from their ordinary places of residence in the course of their duties as members of the Board as is authorized by order the Lieutenant Governor in Council.

(6) Payments under subsections (4) and (5) are contingent upon money being appropriated to the purpose by the Legislature.

Object

3 The object of the Corporation is to promote the development of an instructional materials industry in Alberta.

By-laws

4(1) The Board may make by-laws, subject to the approval of the Lieutenant Governor in Council, respecting the business and affairs of the Corporation.

(2) The *Regulations Act* does not apply to by-laws made under this section.

(3) A copy of all by-laws made under this section shall be filed with the Registrar of Companies and the by-laws are not effective until a copy has been so filed.

Meetings and committees

5(1) When the chairman is absent from a meeting of the Board, the members present may elect one of their number to preside at the meeting.

(2) The Board may, in writing, authorize a committee of one or more of its members to do anything required or permitted to be done by the Board under this or any other Act.

- (3) An authorization under subsection (2) may be
 - (a) general or applicable to a particular case, and
 - (b) conditional or unconditional.

Staff

6 The Corporation may enter engage the services of any person it considers necessary and may prescribe the conditions of employment.

Instructional
Materials
Development
Fund

7(1) There is hereby established a Fund to be known as the Instructional Materials Development Fund.

(2) The Fund shall be held by the Provincial Treasurer, who shall maintain a separate accounting record of the Fund.

(3) The Fund shall contain any sum appropriated to it by the Legislature, or given or bequeathed to it.

(4) The amount of the Fund at any time shall not exceed \$5 000 000.

Budget

8 On the request of the Minister the Corporation shall submit to the Minister a budget for the next following fiscal year showing an estimate of its operating expenses other than those that are required to be paid out of the Fund.

Statements and
information

9 The Corporation shall provide the Minister with financial statements or other information required to do so by the Minister.

Loans and
guarantees

10(1) The Corporation may make loans and guarantees if it is authorized to do so by the regulations.

(2) The Corporation shall not make

- (a) a guarantee that will, at the time the guarantee is made, cause the cumulative total of money that the Corporation is liable or contingently liable to pay under guarantees to exceed the assets of the Fund other than outstanding advances to the Corporation, or

(b) a loan that is greater than the assets then in the Fund, other than outstanding advances to the Corporation, less the cumulative total referred to in clause (a).

(3) The Lieutenant Governor may make regulations

(a) authorizing the Corporation to make loans or guarantees of up to 60% of the total funds required for the production of instructional materials;

(b) authorizing the Corporation to acquire shares in a company producing or planning to produce instructional materials;

(c) defining, for the purposes of this section, the production of instructional materials;

(d) governing eligibility for the loans or guarantees;

(e) prescribing the procedure for the submission of applications for the loans or guarantees;

(f) prescribing the form and content of applications for the loans or guarantees;

(g) prescribing administration or other fees payable to the Corporation in respect of the loans or guarantees;

(h) prescribing the terms and conditions upon which the loans or guarantees are to be given;

(i) governing the security to be given to the Corporation or to a lender by applications in consideration of the loans or guarantees;

(j) authorizing the Corporation to enter into an agreement with respect to any matter relating to the loans or guarantees;

(k) prescribing the maximum amount of any loan or guarantee that may be made under subsection (1).

Powers

11(1) Subject to the provisions of this Act, the Corporation may do all or any of the following:

- (a) draw, make, accept, endorse, execute and issue promissory notes, bills of exchange or other negotiable or transferable instruments for the purposes of this Act;
- (b) take, hold, realize on or otherwise dispose of any securities held with respect to loans or guarantees, whether the securities are real or personal property;
- (c) establish offices and agencies in Alberta as it considers expedient;
- (d) act as a trustee of money or other property acquired by the Corporation in trust for any purpose;
- (e) invest and deal with any of its money that is not immediately required for expenditure;
- (f) do any acts incidental or conducive to carrying out its powers and duties under this or any other Act.

(2) The acceptance by the Corporation of any gift, bequest or devise of real or personal property is subject to any conditions prescribed by the person making the gift or by the will or other instrument under which it is acquired.

(3) Notwithstanding section 16 of the *Interpretation Act*, the Corporation shall not acquire or dispose of real property unless the acquisition or disposal is first approved by the Lieutenant Governor in Council.

Instructional
Materials
Advisory
Committee

12(1) The Corporation, subject to the approval of the Minister, may establish an Instructional Materials Advisory Committee to review and advise the Corporation on applications for loans or guarantees under this Act.

(2) The Corporation may, with respect to the Instructional Materials Advisory Committee,

- (a) appoint or provide for the appointment of not more than 5 members, and prescribe their terms of office,

- (b) designate a chairman and other officers of the committee,
- (c) authorize, fix and provide for the payment of remuneration and expenses to its members, and
- (d) make rules of procedure governing the calling of meetings of the Committee and the conduct of its business and affairs.

Auditor and
fiscal year

13(1) The Auditor General is the auditor of the Corporation.

(2) The fiscal year of the Corporation is the period commencing on April 1 in one year and ending on March 31 next following.

Annual report

14(1) The Corporation shall, as soon as practicable after the end of each fiscal year, prepare and submit to the Minister a report summarizing its transactions and affairs during the fiscal year just ended and containing its audited financial statement as required by section 77(2)(a) of the *Financial Administration Act*.

(2) When the report prepared under subsection (1) is received, the Minister shall lay a copy of it before the Legislative Assembly if it is then sitting and, if it is not then sitting, within 15 days after the commencement of the next ensuing sitting.

Transitional

15 On the expiry of this Act,

- (a) the assets and liabilities of the Corporation become the assets and liabilities of the Government,
- (b) the Fund becomes part of the General Revenue Fund, and
- (c) the Provincial Treasurer shall pay from the General Revenue Fund all liabilities of the Corporation.

Coming into
force

16 This Act comes into force on Proclamation and expires on March 31, 1995.