

1996 BILL 12

Fourth Session, 23rd Legislature, 45 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 12

**SERVICES TO PERSONS WITH DISABILITIES
FOUNDATION ACT**

THE MINISTER OF FAMILY AND SOCIAL SERVICES

First Reading
Second Reading
Committee of the Whole
Third Reading
Royal Assent

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SERVICES TO PERSONS WITH DISABILITIES FOUNDATION ACT

(Assented to , 1996)

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

Definitions

1 In this Act,

- (a) "Foundation" means the Services to Persons with Disabilities Foundation;
- (b) "Minister" means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (c) "persons with disabilities" means individuals with developmental disabilities.

Establishment of Foundation	<p>2(1) The Services to Persons with Disabilities Foundation is established as a corporation.</p> <p>(2) The Foundation has the capacity and, subject to this Act and the regulations, the rights, powers and privileges of a natural person.</p> <p>(3) The Foundation may not enter into any transaction, directly or indirectly, to borrow money.</p>
Purposes of Foundation	<p>3(1) The purposes of the Foundation are to undertake, support and promote activities that will enhance the quality of life of persons with disabilities in Alberta.</p> <p>(2) In carrying out its purposes, the Foundation may, subject to the regulations, solicit and raise funds for capital projects, pilot projects, research or any other activity.</p>
Directions by Minister	<p>4 The Minister may give directions to the Foundation for the purposes of</p> <ul style="list-style-type: none"> (a) providing priorities and guidelines for the Foundation to follow in carrying out its purposes, and (b) co-ordinating the work of the Foundation with the programs, policies and work of the Government and public and private bodies in order to achieve the effective and efficient provision of services to persons with disabilities and to avoid duplication of effort and expense.
Agent of Crown	<p>5 The Foundation is an agent of the Crown in right of Alberta.</p>
Board of trustees	<p>6(1) The Foundation consists of a board of not more than 9 trustees appointed by the Minister.</p> <p>(2) A trustee must be a resident of Alberta.</p> <p>(3) A trustee may be appointed for a term not exceeding 3 years, and may be reappointed for terms not exceeding 3 years each.</p> <p>(4) A trustee continues to hold office after the expiry of that trustee's term of office until the trustee is reappointed, a successor is appointed or a period of 3 months has expired, whichever occurs first.</p> <p>(5) The chair of the board of trustees is to be appointed by the Minister.</p>

Remuneration and expenses	<p>7(1) The board of trustees may, by resolution, authorize the Foundation to pay to its trustees out of the funds of the Foundation remuneration and travelling, living and other expenses incurred in the course of their duties as trustees.</p> <p>(2) Any remuneration or expenses authorized to be paid under subsection (1) must be paid at a rate established by the regulations.</p>
By-laws	<p>8(1) Subject to this Act and the regulations, the Foundation may make by-laws respecting the conduct of the business and affairs of the Foundation.</p> <p>(2) A by-law does not become effective until it is approved by the Minister.</p> <p>(3) The <i>Regulations Act</i> does not apply to the by-laws of the Foundation.</p>
Funds of Foundation	<p>9(1) Money received by the Foundation from any source constitutes the funds of the Foundation.</p> <p>(2) The income of the funds of the Foundation accrues to and forms part of those funds.</p> <p>(3) Expenditures made by the Foundation must be paid from the funds of the Foundation.</p>
Directions of donor	<p>10 The Foundation is not bound by the directions or wishes of a donor of money or other property to the Foundation, but the Foundation may consider such directions and wishes when the Foundation is carrying out its purposes.</p>
Liability	<p>11 A trustee is not personally liable for anything done or omitted to be done by the trustee in good faith in the exercise or purported exercise of a power under this Act, the regulations or the by-laws.</p>
Fiscal year	<p>12 The fiscal year of the Foundation is April 1 to the following March 31.</p>
Annual report	<p>13(1) The Foundation must prepare and submit to the Minister an annual report for the preceding fiscal year in a form and at a time acceptable to the Minister.</p>

(2) The following information must be included in an annual report:

- (a) the audited financial statements of the Foundation;
- (b) any other information required by the Minister.

Lieutenant
Governor in
Council
regulations

14 The Lieutenant Governor in Council may make regulations

- (a) restricting and regulating the Foundation's exercise of its powers;
- (b) establishing the rates of remuneration and expenses for the purposes of section 7;
- (c) prohibiting the Foundation from accepting a gift that
 - (i) is in an amount, or
 - (ii) is valued at an amount

that is less than an amount determined in accordance with the regulations;

- (d) respecting the winding-up of the Foundation.