

1998 BILL 29

Second Session, 24th Legislature, 47 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 29

**STUDENTS' FINANCIAL ASSISTANCE
STATUTES AMENDMENT ACT, 1998**

MR. JOHNSON,

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 29
Mr. Johnson

BILL 29

1998

STUDENTS' FINANCIAL ASSISTANCE STATUTES AMENDMENT ACT, 1998

(Assented to , 1998)

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

Alberta Heritage Scholarship Act

Amends SA
1981 cA-27.1

1(1) The *Alberta Heritage Scholarship Act* is amended by this section.

(2) Section 1 is amended by repealing clause (a.1).

(3) Section 2(2) is amended by adding the following after clause (c):

(d) other payments of money or transfers of investments approved by the Minister.

(4) Section 3 is amended

(a) in subsections (1) and (3) by striking out "Board" and substituting "Minister";

(b) in subsection (3) by striking out "(b) and (c)";

(c) by repealing subsection (4) and substituting the following:

(4) With respect to scholarships referred to in section 2(2) that derive from gifts or from money or investments paid or transferred under an agreement, the Minister may consider

Explanatory Notes

Alberta Heritage Scholarship Act

1(1) Amends chapter A-27.1 of the Statutes of Alberta, 1981.

(2) Section 1 presently reads in part:

1 In this Act,

(a.1) "Board" means the Students Finance Board established pursuant to the Students Finance Act;

(3) Additional funds and property payable or transferable into the Fund.

(4) Section 3 presently reads:

3(1) The Board is responsible for the provision of Alberta Heritage Scholarships from the Fund to

(a) recognize and reward the scholastic achievements of residents of Alberta and provide them with incentives to pursue post-secondary education in Alberta,

(b) enable outstanding students who are residents of Alberta to pursue post-secondary education outside of Alberta,

(c) enable outstanding students from outside of Alberta to pursue post-secondary education in Alberta, and

any directions given by the one who made the gift or given under the agreement, as the case may be.

(5) Sections 4 and 5 are repealed and the following is substituted:

Committees

4(1) The Minister may establish committees for the purposes of

- (a) considering applications for scholarships and making recommendations with respect to the scholarships to be awarded, including the classes, duration, number and amounts of scholarships,
- (b) advising the Minister on the need for scholarships and alternative scholarship programs, and
- (c) reviewing the eligibility and qualifications of persons nominated to be recipients of particular scholarships and recommending to the Minister who should become recipients of those scholarships.

(2) The committee members

- (a) may be paid remuneration for the performance of their duties as such, and
- (b) shall be paid travelling and living expenses while away from their ordinary places of residence in the course of those duties,

at the rates set by the Minister.

- (d) *encourage and reward persons who have displayed outstanding ability in at least one of several fields of endeavour, including, without limitation, the fine arts, performing arts, social sciences, the humanities, applied arts, physical sciences, education, career development, athletics and recreation.*
- (2) *Alberta Heritage Scholarships shall consist of the classes of scholarships, awards of distinction, prizes and incentives prescribed in the regulations.*
- (3) *The Board is also responsible for the provision of other scholarships to recognize and reward persons or classes of persons who are eligible to receive scholarships from money or investments referred to in section 2(2)(b) and (c).*
- (4) *With respect to scholarships referred to in section 2(2)(b) or (c), the Board may consider any directions given by the person who made the gift or given under the agreement, as the case may be.*
- (5) Sections 4 and 5 presently read:
 - 4(1) *The Board may establish committees that may include persons other than members of the Board for the purposes of*
 - (a) *considering applications for scholarships and making recommendations with respect to the scholarships to be awarded, including the classes, duration, number and amounts of scholarships, and*
 - (b) *advising the Board on the need for scholarships and alternative scholarship programs.*
 - (2) *The Minister may establish committees to review the eligibility and qualifications of persons nominated to be recipients of particular scholarships and to recommend to the Board who should become recipients of those scholarships.*
 - (3) *The members of committees*
 - (a) *may be paid remuneration for the performance of their duties as members of committees, and*
 - (b) *shall be paid travelling and living expenses while absent from their ordinary places of residence and in the course of their duties as members of committees*

at the rates prescribed by the Minister.

- 5(1) *The Board shall, as soon as practicable after the end of each fiscal year of the Crown, prepare a report summarizing its affairs and transactions with respect to the administration of scholarships under this Act during that fiscal year and forward it to the Minister.*
- (2) *When the report is received, the Minister shall lay a copy before the Legislative Assembly if it is then sitting, and if it is not then sitting, within 15 days of the commencement of the next ensuing sitting.*

(6) Section 6 is amended by striking out “Board” wherever it occurs and substituting “Minister”.

(7) Section 8 is amended

- (a) in clause (d) by striking out “Board” and substituting “Minister”;**
- (b) in clause (g) by striking out “and (c)” and substituting “, (c) and (d)”.**

(8) This section comes into force on Proclamation.

Student Loan Act

Amends RSA
1980 cS-23.3

2(1) The *Student Loan Act* is amended by this section.

(2) Section 1 is amended

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

(c) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;

(b) in clause (d) by striking out “Students Finance Board” and substituting “Minister”.

(3) Section 3 is repealed and the following is substituted:

Certificates
and loan
authorizations

3 The Minister may authorize a loan by issuing a certificate or by any other means, which may be in any form that the Minister considers appropriate.

(6) Section 6 presently reads:

6 The Provincial Treasurer shall, at the request of the Board made on reasonable notice, pay from the Fund money that is required by the Board

(a) for providing scholarships pursuant to this Act and the regulations, and

(b) subject to any regulations made under section 8(g), for paying the costs of administering scholarships pursuant to this Act and the regulations.

(7) Section 8 presently reads in part:

8 The Lieutenant Governor in Council may make regulations

(d) respecting the powers and duties of the Board with respect to the granting of scholarships, awards of distinction, prizes and incentives;

(g) respecting the charging of fees with regard to money or gifts received under section 2(2)(b) and (c) to cover the costs incurred by the Government in administering scholarships.

(8) Coming into force.

Student Loan Act

2(1) Amends chapter S-23.3 of the Revised Statutes of Alberta 1980.

(2) Section 1 presently reads in part:

1 In this Act,

(c) “Minister” means the Minister of Advanced Education and Career Development;

(d) “student” means a person enrolled in a course of studies at an educational institution, both the course and the institution having been approved by the Students Finance Board.

(3) Section 3 presently reads:

3(1) A certificate must be signed

(a) by the chief executive officer of the Students Finance Board or a person designated in writing by the chief executive officer to sign certificates, and

(4) Section 4(1) is amended

- (a) in clause (c) by adding** “or other means of loan authorization referred to in section 3” **after** “certificate”;
- (b) by striking out** “Students Finance Board” **and substituting** “Minister”.

(5) Section 7 is amended by striking out “student” wherever it occurs and substituting “borrower”.

(6) The following is added after section 10:

Limitation of
actions

10.1 The *Limitations Act* applies to claims, within the meaning of that Act, arising under this Act except that, instead of the 2-year period referred to in section 3(1)(a) of the *Limitations Act*, a 6-year period applies for the purposes of this Act.

(7) The *Consumer Credit Transactions Act* is amended in section 2(m) by striking out “*Students Loan Guarantee Act*” and substituting “*Student Loan Act*”.

(8) This section, except subsection (6), comes into force on Proclamation.

(9) Subsection (6) comes into force on the date when section 3(1) of the *Limitations Act* comes into force.

(b) by a person designated in writing by the chief administrative officer of the educational institution in which the student is enrolled.

(2) The signatures required under subsection (1)(a) may be imprinted on certificates in any manner.

(4) Section 4(1) presently reads:

4(1) A person who has been given a loan, other than pursuant to an agreement entered into under section 8, shall

(a) at the request of the credit institution to which repayment is guaranteed,

(b) at the request of the Minister, or

(c) pursuant to the terms or conditions contained in the certificate,

enter into an agreement with the credit institution in the form determined by the Students Finance Board providing for the repayment of the principal amount borrowed and interest on it.

(5) Section 7 presently reads:

7 Unless an agreement entered into under section 8 provides otherwise, when a student fails to make a required payment on a loan under this Act and the Government makes the payment to a credit institution under a guarantee, the Government has the same rights to collect the amount paid from the student as the credit institution would have had if the Government had not made the payment.

(6) Limitation of actions.

(7) Consequential amendment.

(8) Coming into force.

(9) Coming into force.

Students Finance Act

Amends RSA
1980 cS-24

3(1) The *Students Finance Act* is amended by this section.

(2) Section 1 is amended

(a) by repealing clause (b) and substituting the following:

(b) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;

(b) in clause (d) by striking out “Board” and substituting “Minister”.

(3) Section 2 is amended

(a) by repealing subsections (2) and (3);

(b) by repealing subsections (5) to (9) and substituting the following:

(5) The Board may establish committees, which may include individuals other than members of the Board, to assist it with its duties under this Act.

(6) The Minister shall pay members of committees established under subsection (5) who are neither members of the Board nor officers or employees of the Government nor members, officers or employees of any agency of the Government

(a) remuneration for their services as committee members, and

(b) their reasonable travelling and living expenses while away from their ordinary places of residence in the course of those services,

at the rates set by the Minister.

Students Finance Act

3(1) Amends chapter S-24 of the Revised Statutes of Alberta 1980.

(2) Section 1 presently reads in part:

1 In this Act,

(b) “Minister” means the Minister of Advanced Education and Career Development;

(d) “student finance program” means a program assigned to the Board by the Lieutenant Governor in Council pursuant to section 6.

(3) Section 2 presently reads:

2(1) There is hereby established a board called the “Students Finance Board”.

(2) The Board has the responsibility for the apportionment and distribution of student financial assistance and for the operation and administration of student finance programs.

(3) From money voted for the purpose by the Legislature, the Board may award student financial assistance on the terms and conditions prescribed by regulation.

(4) The Board may make rules governing its proceedings.

(5) The chairman of the Board may authorize in writing an employee of the Government under the administration of the Minister to do any act or thing required or permitted to be done by the Board under this or any other Act.

(6) An authorization given under subsection (5) may be

(a) general or applicable to a particular case, and

(b) conditional or unconditional.

(7) The Board may establish committees, which may include persons other than members of the Board, for the purpose of considering applications for student financial assistance and making recommendations with respect to the nature and amount of student financial assistance to be given.

(8) The members of committees established under subsection (7) who are not officers or employees of the Crown nor members, officers or employees of any agency of the Crown shall be paid the remuneration for their services that is prescribed by the Minister.

(4) Section 3(12) is amended by striking out “(6)” and substituting “(11)”.

(5) Sections 4 and 5 are repealed and the following is substituted:

Powers and
duties of
Board

4 The Board

- (a) shall advise the Minister on matters pertaining to student financial assistance, including scholarships under the *Alberta Heritage Scholarship Act*, and
- (b) shall, on being requested to do so by the Minister, make inquiries or conduct research into, or collect information relating to, any matter specified by the Minister relating to student financial assistance, including scholarships under the *Alberta Heritage Scholarship Act*, and report the results to the Minister in the manner and at the time specified by the Minister.

Minister's
responsibility
for programs

5 The Minister is responsible for

- (a) the operation and administration of student financial assistance programs, and
- (b) the apportionment and distribution of student financial assistance.

(6) Section 6 is amended by striking out “Board” wherever it occurs and substituting “Minister”.

(9) The members of committees established under subsection (7) shall be paid their reasonable travelling and living expenses while absent from their ordinary place of residence and in the course of their duties as members of a committee at the rates prescribed by the Minister.

(4) Section 3(12) presently reads:

(12) The Minister may fill a vacancy on the Board by appointing a person to fill the unexpired term of office of the former member, and an appointment to an unexpired term shall not be considered, for the purposes of subsection (6), as a term of office.

(5) Sections 4 and 5 presently read:

4 The Board shall account to the Minister and shall report to him at the times and in the manner that he considers appropriate.

5(1) The Board shall annually, after the end of each fiscal year of the Government, prepare and submit to the Minister a general report summarizing its transactions and affairs during the preceding fiscal year and showing its revenues and the application of its expenditures during that period, together with any other information the Minister may require.

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

(6) Section 6 presently reads:

6(1) The Lieutenant Governor in Council may assign to the Board the operation and administration of any program established for the purpose of assisting individuals to obtain education or training including, without limitation,

(a) any program with respect to student financial assistance established pursuant to a federal-provincial agreement, and

(b) any program with respect to student financial assistance established by or pursuant to an Act of the Legislature.

(2) Subject to any other Act, if the Lieutenant Governor in Council assigns a student finance program to the Board under subsection (1), he may

(7) Section 8 is amended by striking out “Board” and substituting “Minister”.

(8) Section 9 is amended

(a) in subsection (1)

(i) by striking out “The Board” and substituting “The Minister”;

(ii) by repealing clause (f);

(iii) by repealing clause (g) and substituting the following:

(g) at a school in Alberta operated by the board of trustees of a school district or school division or in a high school program approved by the Minister.

(b) in subsection (2)

(i) by striking out “Board, subject to the approval of the Minister,” and substituting “Minister”;

(ii) by adding “and may award student financial assistance to such persons” after “who are eligible to receive student financial assistance”;

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

(3) In addition to programs referred to in subsection (1), the Lieutenant Governor in Council may designate other classes of programs of study for the purposes of this subsection, and the Minister may award student financial assistance to students enrolled in those programs.

- (a) specify the powers and duties of the Board with respect to the program, and*
- (b) specify any powers or duties formerly exercised by another person or body with respect to the program that are to be exercised by the Board,*

and thereupon the powers and duties so specified become vested in the Board for the purpose of administering and operating the program.

(7) Section 8 presently reads:

8 Subject to this Act and the regulations, the Board may

- (c) from funds voted for the purpose by the Legislature, pay all or part of the outstanding loans made to a student under the Student Loan Act or loans made to a student under the Canada Student Loans Act (Canada) or the Canada Student Financial Assistance Act (Canada).*

(8) Section 9 presently reads:

9(1) The Board may award student financial assistance to students enrolled in programs of study that meet the requirements of the regulations

- (a) at a public college under the Colleges Act, a university under the Universities Act or an institution operated under Schedule 1 of the Government Organization Act,*
- (b) at The Banff Centre for Continuing Education,*
- (b.1) at a technical institute under the Technical Institutes Act,*
- (c) at a private college under the Colleges Act,*
- (d) at a school of nursing in Alberta approved pursuant to the Nursing Profession Act,*
- (e) at an institution that provides vocational training pursuant to the Private Vocational Schools Act,*
- (e.1) at any other educational institution in Alberta that is certified by the Minister as being a satisfactory provider of educational programs,*
- (f) at any other post-secondary educational institution designated by the Board when the program being taken is, in the opinion of the Board, not available at any institution referred to in clause (a), (b), (b.1), (c), (d), (e) or (e.1), or*
- (g) at a school in Alberta operated by the board of trustees of a school district or school division or by a municipal district or in a high school program approved by the Board.*

(4) Awards of student financial assistance under this Act are to be made on the terms and conditions prescribed by regulation.

(9) Section 11(d) and (f) are amended by striking out “Board” wherever it occurs and substituting “Minister”.

(10) The *Students Finance Amendment Act, RSA 1980 c20* (Supp.), is repealed.

(11) This section comes into force on Proclamation.

(2) In addition to those eligible to receive student financial assistance under subsection (1), the Board, subject to the approval of the Minister, may designate other persons or classes of persons who are eligible to receive student financial assistance.

(9) Section 11(d) and (f) presently read:

11 The Lieutenant Governor in Council may make regulations

(d) conferring or imposing powers and duties on the Board with respect to student finance programs;

(f) prescribing, with respect to loans made under the Student Loan Act or loans made under the Canada Student Loans Act (Canada) or the Canada Student Financial Assistance Act (Canada),

(i) the conditions on which and the manner in which a loan or part of a loan may be repaid by the Board on behalf of the student, and

(ii) the classes of students whose loans may be repaid in whole or in part by the Board.

(10) Repeal.

(11) Coming into force.