

2000 BILL 7

Fourth Session, 24th Legislature, 49 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 7

**ALBERTA SCIENCE, RESEARCH AND TECHNOLOGY
AUTHORITY AMENDMENT ACT, 2000**

THE MINISTER OF INNOVATION AND SCIENCE

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 7

2000

ALBERTA SCIENCE, RESEARCH AND TECHNOLOGY AUTHORITY AMENDMENT ACT, 2000

(Assented to _____, 2000)

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

Amends SA
1998 cA-37.3

1 The *Alberta Science, Research and Technology Authority Act* is amended by this Act.

2 Section 1 is amended

(a) by renumbering clause (a) as clause (a.1) and adding the following before clause (a.1):

(a) "Agricultural Institute" means the Alberta Agricultural Research Institute established under section 16.1(4);

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

(b.1) "Energy Institute" means the Alberta Energy Research Institute;

(c) by adding the following after clause (b.1):

(b.2) "Forestry Institute" means the Alberta Forestry Research Institute;

Explanatory Notes

1 Amends chapter A-37.3 of the Statutes of Alberta, 1998.

2 Section 1 presently reads:

1 In this Act,

- (a) "Authority" means the Alberta Science, Research and Technology Authority;*
- (b) "board" means the board of directors of the Authority;*
- (c) "Minister" means the Minister determined under section 16 of the Government Organization Act as the Minister responsible for this Act;*
- (d) "Panel" means the International Expert Review Panel appointed under section 13;*
- (e) "research" means research with respect to science, engineering and technology.*

3 The following is added after section 1:

PART 1

**ALBERTA SCIENCE, RESEARCH AND
TECHNOLOGY AUTHORITY**

4 Section 9 is repealed and the following is substituted:

Ownership

9(1) Unless otherwise directed by the Authority, the ownership of any invention, work, information or material, regardless of form, including any patent, copyright, technological or industrial design process or trademark acquired or produced by a person that results from or is connected with the person's engagement under section 8(1) vests in the Authority and may be made available to the public under conditions, on payment of fees or royalties or otherwise, as the Authority may determine.

(2) The Authority may compensate a person described in subsection (1).

5 The following is added after section 9:

Ownership

9.1 The Authority may enter into an agreement with a person in whose favour a grant has been or is proposed to be made under this Part providing for the respective rights, obligations and liabilities of the Authority and the person with respect to the ownership of any invention, work, information or material, regardless of form, including any patent, copyright, technological or industrial design process or trademark acquired or produced by the person while engaged in a project funded in whole or in part by a grant under this Part.

6 The following is added after section 12:

Agent of the
Crown

12.1 The Authority is an agent of the Crown.

3 Heading.

4 Section 9 presently reads:

9(1) All discoveries, inventions and improvements made in processes, apparatuses or machines by a person while engaged under section 8(1) are, unless otherwise directed by the Authority, vested in the Authority and may be made available to the public under conditions, on payment of fees or royalties or otherwise as the Authority may determine.

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

5 Ownership of property created pursuant to grants.

6 Crown agent.

7 The following is added after section 16:

PART 2

AGRICULTURAL INSTITUTE

Agricultural
Institute

16.1(1) The corporation known as “Alberta Agricultural Research Institute” is dissolved and all the assets and liabilities of the Alberta Agricultural Research Institute are vested in the Alberta Science, Research and Technology Authority, and all rights of action and actions by or against the Alberta Agricultural Research Institute may be continued by or maintained against the Alberta Science, Research and Technology Authority.

(2) If any right, power, duty, liability or function was vested in or was to be exercised or performed by or on behalf of the Alberta Agricultural Research Institute under any

- (a) enactment or order made before the coming into force of this Part,
- (b) agreement or other document made or entered into before the coming into force of this Part, or
- (c) mortgage, instrument or caveat registered or certificate of title made under the *Land Titles Act* before the coming into force of this Part,

that right, power, duty, liability or function is, on the coming into force of this Part, vested in, and may be exercised or performed by or on behalf of, the Alberta Science, Research and Technology Authority.

(3) If

- (a) a reference is made to the Alberta Agricultural Research Institute in any
 - (i) enactment or order made before the coming into force of this Part,
 - (ii) resolution of the Assembly made before the coming into force of this Part,
 - (iii) agreement or other document made or entered into before the coming into force of this Part, or

7 Adds Part 2, Agricultural Institute and Part 3, Energy Institute.

(iv) mortgage, instrument or caveat registered or certificate of title made before the coming into force of this Part and kept under the *Land Titles Act*,

that reference is deemed to be a reference to the Alberta Science, Research and Technology Authority;

(b) any money is owing to the Alberta Agricultural Research Institute under any mortgage, charge, encumbrance or other evidence of indebtedness or any agreement or obligation, that money is deemed to be owing to the Alberta Science, Research and Technology Authority.

(4) The Alberta Agricultural Research Institute is established as an unincorporated board consisting of not fewer than 3 and not more than 11 members appointed by the Minister.

(5) Persons appointed under subsection (4) must include at least one member of the Legislative Assembly.

(6) The Minister must designate a member who is a member of the Legislative Assembly as the chair of the Agricultural Institute and another member of the Agricultural Institute as the vice-chair.

(7) The Minister may prescribe the terms of office of the members of the Agricultural Institute and of the chair and vice-chair.

(8) The vice-chair must exercise and perform the powers and duties of the chair in the event of the absence or inability to act of the chair or a vacancy in the office of the chair.

Remuneration

16.11 The members of the Agricultural Institute who are not employees of the Government may be paid remuneration and may receive reasonable travelling and living expenses while away from their ordinary places of residence in the course of their duties as members of the Agricultural Institute at the rates prescribed by the Minister.

Purposes

16.12 The Agricultural Institute

- (a) may compile, assess and disseminate information on science, engineering and technology related to agriculture,
- (b) must, at the request of the Authority or the Minister, advise the Authority or the Minister on questions of science, engineering and technology related to agriculture, and
- (c) must provide recommendations on applications for grants related to agriculture assigned to it by the Authority or the Minister.

By-laws

16.2(1) The Agricultural Institute may, with the approval of the Minister, make by-laws

- (a) governing the calling of its meetings, the procedure to be used at its meetings, the conduct of business at its meetings, reporting and any other matters as required;
- (b) respecting the making of recommendations on applications for grants.

(2) The *Regulations Act* does not apply to the by-laws of the Agricultural Institute.

Annual report

16.3 The Agricultural Institute must, after the end of each fiscal year and at any other times required by the Minister, prepare and submit to the Minister a report, in a form satisfactory to the Minister, consisting of a summary of its activities.

PART 3

ENERGY INSTITUTE

Energy
Institute

16.4(1) The corporation known as “Alberta Oil Sands Technology and Research Authority” is dissolved and all the assets and liabilities of the Alberta Oil Sands Technology and Research Authority are vested in the Alberta Science, Research and Technology Authority, and all rights of action and actions by or against the Alberta Oil Sands Technology and Research Authority may be continued by or maintained against the Alberta Science, Research and Technology Authority.

(2) If any right, power, duty, liability or function was vested in or was to be exercised or performed by or on behalf of the Alberta Oil Sands Technology and Research Authority under any

- (a) enactment or order made before the coming into force of this Part,
- (b) agreement or other document made or entered into before the coming into force of this Part, or
- (c) mortgage, instrument or caveat registered or certificate of title made under the *Land Titles Act* before the coming into force of this Part,

that right, power, duty, liability or function is, on the coming into force of this Part, vested in, and may be exercised or performed by or on behalf of, the Alberta Science, Research and Technology Authority.

(3) If

- (a) a reference is made to the Alberta Oil Sands Technology and Research Authority in any
 - (i) enactment or order made before the coming into force of this Part,
 - (ii) resolution of the Assembly made before the coming into force of this Part,
 - (iii) agreement or other document made or entered into before the coming into force of this Part, or
 - (iv) mortgage, instrument or caveat registered or certificate of title made before the coming into force of this Part and kept under the *Land Titles Act*,

that reference is deemed to be a reference to the Alberta Science, Research and Technology Authority;

- (b) any money is owing to the Alberta Oil Sands Technology and Research Authority under any mortgage, charge, encumbrance or other evidence of indebtedness or any agreement or obligation, that money is deemed to be owing to the Alberta Science, Research and Technology Authority.

(4) The Alberta Energy Research Institute is established as an unincorporated board consisting of not fewer than 3 and not more than 11 members appointed by the Minister.

(5) Persons appointed under subsection (4) must include at least one member of the Legislative Assembly.

(6) The Minister must designate a member who is a member of the Legislative Assembly as the chair of the Energy Institute and another member of the Energy Institute as the vice-chair.

(7) The Minister may prescribe the terms of office of the members of the Energy Institute and of the chair and vice-chair.

(8) The vice-chair must exercise and perform the powers and duties of the chair in the event of the absence or inability to act of the chair or a vacancy in the office of the chair.

Remuneration

16.41 The members of the Energy Institute who are not employees of the Government may be paid remuneration and may receive reasonable travelling and living expenses while away from their ordinary places of residence in the course of their duties as members of the Energy Institute at the rates prescribed by the Minister.

Purposes

16.42 The Energy Institute

- (a) may compile, assess and disseminate information on science, engineering and technology related to energy,
- (b) must, at the request of the Authority or the Minister, advise the Authority or the Minister on questions of science, engineering and technology related to energy, and
- (c) must provide recommendations on applications for grants related to energy assigned to it by the Authority or the Minister.

By-laws

16.5(1) The Energy Institute may, with the approval of the Minister, make by-laws

- (a) governing the calling of its meetings, the procedure to be used at its meetings, the conduct of business at

its meetings, reporting and any other matters as required;

(b) respecting the making of recommendations on applications for grants.

(2) The *Regulations Act* does not apply to by-laws of the Energy Institute.

Annual report

16.51 The Energy Institute must, after the end of each fiscal year and at any other time required by the Minister, prepare and submit to the Minister a report, in a form satisfactory to the Minister, consisting of a summary of its activities.

Oil Sands
Technology
and Research
Fund

16.6 On the coming into force of this Part, the fund known as “Oil Sands Technology and Research Fund” is wound up and its assets and liabilities are vested in the Alberta Science, Research and Technology Authority.

8 The following is added after section 16.6:

PART 4

FORESTRY INSTITUTE

Forestry
Institute

16.7(1) The Alberta Forest Research Advisory Council is dissolved.

(2) The Alberta Forestry Research Institute is established as an unincorporated board consisting of not fewer than 3 and not more than 11 members appointed by the Minister.

(3) Persons appointed under subsection (2) must include at least one member of the Legislative Assembly.

(4) The Minister must designate a member who is a member of the Legislative Assembly as the chair of the Forestry Institute and another member of the Forestry Institute as the vice-chair.

(5) The Minister may prescribe the terms of office of the members of the Forestry Institute and of the chair and vice-chair.

(6) The vice-chair must exercise and perform the powers and duties of the chair in the event of the absence or

8 Adds Part 4, Forestry Institute.

	inability to act of the chair or a vacancy in the office of the chair.
Remuneration	16.71 The members of the Forestry Institute who are not employees of the Government may be paid remuneration and may receive reasonable travelling and living expenses while away from their ordinary places of residence in the course of their duties as members of the Forestry Institute at the rates prescribed by the Minister.
Purposes	<p>16.72 The Forestry Institute</p> <ul style="list-style-type: none"> (a) may compile, assess and disseminate information on science, engineering and technology related to forestry, (b) must, at the request of the Authority or the Minister, advise the Authority or the Minister on questions of science, engineering and technology related to forestry, and (c) must provide recommendations on applications for grants related to forestry assigned to it by the Authority or the Minister.
By-laws	<p>16.8(1) The Forestry Institute may, with the approval of the Minister, make by-laws</p> <ul style="list-style-type: none"> (a) governing the calling of its meetings, the procedure to be used at its meetings, the conduct of business at its meetings, reporting and any other matters as required; (b) respecting the making of recommendations on applications for grants. <p>(2) The <i>Regulations Act</i> does not apply to the by-laws of the Forestry Institute.</p>
Annual report	16.9 The Forestry Institute must, after the end of each fiscal year and at any other times required by the Minister, prepare and submit to the Minister a report, in a form satisfactory to the Minister, consisting of a summary of its activities.
Forest Development Research Trust Fund	16.91 On the coming into force of this Part, any assets and liabilities related to the Forest Development Research Trust Fund in the Environmental Protection and Enhancement

Fund are vested in the Alberta Science, Research and Technology Authority.

9(1) Despite section 32(1)(a) of the *Interpretation Act*, the designation and appointment of members under section 5 of the *Alberta Agricultural Research Institute Act* and the appointment of members under section 3 of the *Oil Sands Technology and Research Authority Act* do not continue under this Act.

(2) Despite section 32(1)(a) of the *Interpretation Act*, the appointment of members under section 3 of the *Forest Development Research Trust Fund Act* does not continue under this Act.

10(1) The *Alberta Agricultural Research Institute Act* is repealed.

(2) The *Oil Sands Technology and Research Authority Act* is repealed.

(3) The *Forest Development Research Trust Fund Act* is repealed.

11(1) This Act, except sections 2(c), 8, 9(2) and 10(3), comes into force on August 1, 2000.

(2) Sections 2(c), 8, 9(2) and 10(3) come into force on April 1, 2001.

9 Transitional.

10 Repeals chapter A-13.7 of the Statutes of Alberta, 1987, chapter O-6 of the Revised Statutes of Alberta 1980 and chapter F-13 of the Revised Statutes of Alberta 1980.

11 Coming into force.