

Bill 9

BILL 9

2005

POST-SECONDARY LEARNING AMENDMENT ACT, 2005

(Assented to , 2005)

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

Amends SA 2003 cP-19.5

1 The *Post-secondary Learning Act* is amended by this Act.

2 Section 44 is amended

(a) in subsection (1)

(i) by repealing clause (a);

(ii) in clause (c)

**(A) by striking out “not more than 11” and substituting
“at least 12”;**

**(B) by striking out “in addition to the chair” and
substituting “one of whom shall be designated as
chair”;**

(b) in subsection (2)

(i) by repealing clause (a);

(ii) in clause (c)

**(A) by striking out “not more than 9” and substituting
“at least 10”;**

(B) by striking out “in addition to the chair” **and substituting** “one of whom shall be designated as chair”.

3 Section 49 is repealed.

4 Section 53(a) is repealed.

5 Section 61(2)(b) is amended by striking out “in the following year” **wherever it occurs and substituting** “in the 2nd year following that year”.

6 Section 66(1) is amended by adding “the board in conducting the affairs of” **after** “for the purposes of”.

7 Section 93(2) is amended by striking out “graduate students in the case of a university” **and substituting** “students enrolled only in non-credit courses and, in the case of a university, graduate students”.

8 Section 95 is amended

(a) in subsection (2) by striking out “, subject to subsection (3)” **wherever it occurs;**

(b) by repealing subsection (3).

9 Sections 110 to 115 and the heading preceding section 110 are repealed.

10 Section 118 is amended by adding the following after subsection (2):

(3) The information referred to in subsection (1) may include personal information about an identifiable applicant for enrolment in the public post-secondary institution or an identifiable former student of the public post-secondary institution if

- (a) the information relates directly to and is necessary for an operating program or activity of the department administered by the Minister,
- (b) the information was collected by the board for its own purposes, and
- (c) the information is requested by the Minister no more than 3 years after the date that
 - (i) the applicant applied for enrolment in the public post-secondary institution, or
 - (ii) the former student ceased to be a student at the public post-secondary institution.

11 Section 124(h) and (j) are amended by striking out “private institutions” and substituting “private colleges”.

12 Section 154 is repealed.

Explanatory Notes

1 Amends chapter P-19.5 of the Statutes of Alberta, 2003.

2 Section 44 presently reads in part:

44(1) The board of a technical institute shall consist of the following members:

- (a) the chair of the board appointed by the Lieutenant Governor in Council;*
- (b) the following persons appointed by the Minister:*
 - (i) 2 students nominated by the council of the students association,*
 - (ii) 2 academic staff members nominated by the academic staff association, and*
 - (iii) one member of the non-academic staff who is not engaged in the administration of the technical institute nominated by the non-academic staff association;*
- (c) not more than 11 persons appointed by the Lieutenant Governor in Council, in addition to the chair;*
- (d) the president of the technical institute.*

(2) The board of a public college shall consist of the following members:

- (a) the chair of the board appointed by the Lieutenant Governor in Council;*
- (b) the following persons appointed by the Minister:*
 - (i) one academic staff member nominated by the academic staff association,*
 - (ii) one student nominated by the council of the students association, and*
 - (iii) one member of the non-academic staff who is not engaged in the administration of the public college nominated by the non-academic staff association;*

- (c) *not more than 9 persons appointed by the Lieutenant Governor in Council, in addition to the chair;*
- (d) *the president of the public college.*

3 Section 49 presently reads:

49(1) In this section,

- (a) *“non-profit private college” means*
 - (i) *Augustana University College, formerly Camrose Lutheran University College, established under the Camrose Lutheran College Corporation Act,*
 - (ii) *Canadian University College continued under the Canadian University College Act,*
 - (iii) *Concordia University College of Alberta incorporated under the Concordia University College of Alberta Act, and*
 - (iv) *The King’s University College incorporated under The King’s University College Act;*
- (b) *“year” means a period commencing on April 1 and ending on the following March 31.*

(2) Subject to the vote of funds for it by the Legislature, there shall be paid to each non-profit private college in each year a sum to be determined pursuant to regulations made by the Lieutenant Governor in Council.

4 Section 53(a) presently reads:

53 In this Part,

- (a) *“Accreditation Board” means the Private Colleges Accreditation Board under section 110;*

5 Section 61 presently reads in part:

(2) The tuition fees under subsection (1) for all public post-secondary institutions other than Banff Centre

(b) must not increase except in accordance with the following principles:

(i) where a public post-secondary institution's revenue from tuition fees in a fiscal year is equal to or less than 30% of its net operating expenditures in that fiscal year, the maximum allowable annual increase in tuition fees for that post-secondary institution in the following year must be set in accordance with the regulations;

(ii) where a public post-secondary institution's revenue from tuition fees in a fiscal year exceeds 30% of its net operating expenditures in that fiscal year, the maximum allowable annual increase in tuition fees for that post-secondary institution in the following year is the Alberta Consumer Price Index plus 2%, which must not result in a decrease or be greater than 5%.

6 Section 66 presently reads in part:

66(1) A board may acquire any interest in land for the purposes of the public post-secondary institution.

7 Section 93 presently reads in part:

(2) Each students association is a corporation and consists of the students of the public post-secondary institution, other than graduate students in the case of a university.

8 Section 95 presently reads in part:

(2) The council of a student organization may make bylaws governing

(e) in the case of a students association, the maintenance of the association by the levy of membership fees on its members, subject to subsection (3);

(f) in the case of a graduate students association, the maintenance of the association by the levy of membership fees on its members, subject to subsection (3);

(3) Students enrolled in non-credit courses are not subject to a levy under subsection (2)(e) or (f).

9 Repeal of provisions relating to Private Colleges Accreditation Board.

10 Section 118 presently reads:

118(1) The Minister may require a board to collect information and to submit to the Minister any information and reports the Minister considers necessary.

(2) The information referred to in subsection (1) may include personal information about an identifiable student of the public post-secondary institution if that information relates directly to and is necessary for an operating program or activity of the department administered by the Minister.

11 Section 124 presently reads in part:

124 The Lieutenant Governor in Council may make regulations

- (h) *respecting the approval of proposals by public post-secondary institutions to establish, extend, expand, reduce, delete or transfer programs of study and respecting the approval of degree programs to be offered by public post-secondary institutions and private institutions;*
- (j) *respecting the authority of the Lieutenant Governor in Council*
 - (i) *to approve, by order, degree programs and to designate private institutions as institutions that may grant degrees relating to those programs, and*
 - (ii) *to rescind, by order, any approval or designation under subclause (i);*

12 Section 154 presently reads:

154 Sections 110 to 115 of this Act are repealed on Proclamation.