

2007 Bill 6

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Third Session, 26th Legislature, 56 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 6**

## **POST-SECONDARY LEARNING AMENDMENT ACT, 2007**

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MR. DUNFORD

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First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

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*Bill 6*  
*Mr. Dunford*

## **BILL 6**

2007

### **POST-SECONDARY LEARNING AMENDMENT ACT, 2007**

*(Assented to , 2007)*

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 47.1 is amended**

- (a) in subsection (1) by adding “that meets the criteria established under the regulations” after “technical institute”;**
- (b) in subsection (4) by renumbering clause (a) as clause (a.1) and by adding the following before clause (a.1):**
  - (a) respecting the establishment of criteria that a public college or technical institute must meet in order to be eligible to apply for approval to establish an academic council under subsection (1),

## Explanatory Notes

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

**2** Section 47.1 presently reads in part:

*47.1(1) Instead of having an academic council established under section 46, a public college or technical institute may, with the written approval of the Minister, establish an academic council in accordance with the procedures established in the regulations under subsection (4).*

*(4) The Lieutenant Governor may make regulations for the purposes of this section, including regulations*

- (a) respecting the procedures for establishing and dissolving academic councils under this section,*
- (b) respecting the composition of academic councils established under this section, and*
- (c) prescribing the powers and duties that academic councils established under this section may exercise or perform.*

**3 Section 56 is amended by adding the following after subsection (2):**

**(2.1)** Notwithstanding subsection (1)(a), if a member of the board of a public college or technical institute, other than the chair, is designated as chair of that board at any point during the member's 2nd term, the Lieutenant Governor in Council may amend the term prescribed in the member's appointment so that the member's 2nd term expires on the earlier of the following:

- (a) the expiry of a period prescribed in the amended appointment that does not exceed 3 years from the date of the member's designation as chair;
- (b) the revocation of the member's designation as chair.

**4 Section 67 is amended**

- (a) by repealing subsection (1) and substituting the following:**

**Disposition of land**

**67(1)** In this section,

- (a) "donated land" means land that has been donated or devised to a public post-secondary institution or its board, other than land donated by a municipality, the Government of Alberta or the Government of Canada;
- (b) "support services" has the meaning given to it in the regulations.

**(1.1)** A board shall not, without the prior approval of the Lieutenant Governor in Council,

- (a) sell or exchange any interest in land, other than donated land, that is held by and being used for the purposes of the board, or
- (b) lease for a term that exceeds 5 years any land held by the board unless the lease is to a person that will use the land for the purpose of providing support services to the students, faculty or staff of the public post-secondary institution.

**3** Section 56 presently reads in part:

*56(1) Subject to sections 52(4), 57 and 101, a person appointed as a member of a board*

*(a) holds office for a term not exceeding 3 years as prescribed in the appointment, and*

*(b) continues to hold office after the expiry of the person's term of office until the person is reappointed, the person's successor is appointed or a period of 3 months has elapsed, whichever occurs first.*

*(2) An appointed member of a board is eligible for reappointment for a 2nd term but not for a further term until a period of 3 years following the member's 2nd term has expired.*

**4** Section 67 presently reads:

*67(1) A board shall not, without the prior approval of the Lieutenant Governor in Council,*

*(a) sell or exchange any interest in land held by the board that is being used for the purposes of the board, or*

*(b) lease for a term that exceeds 5 years any land held by the board.*

*(2) Notwithstanding subsection (1), a board may dispose of minerals held by it in any manner it considers proper.*

*(3) A sale, exchange or lease referred to in subsection (1) is subject to any trust in accordance with which a board holds the land or the interest in land.*

- (b) in subsections (2) and (3) by striking out “subsection (1)” and substituting “subsection (1.1)”.

**5 Section 76 is amended**

- (a) in subsection (1) by striking out “2 or more trusts” and substituting “a trust fund and one or more other funds”;
- (b) in subsection (2) by striking out “and” at the end of clause (c) and adding the following after clause (c):
  - (c.1) alter the terms and conditions of a trust to enable the board to encroach on the capital of the trust to avoid fluctuations in the amounts distributed and generally to regulate the distribution of income earned by the trust if, in the opinion of the board, the encroachment benefits the public post-secondary institution and does not impair the long-term value of the fund, and

**6 Section 94(1) is repealed and the following is substituted:**

**Graduate students association**

**94(1)** If a university offers a program of graduate studies, the Lieutenant Governor in Council may by order establish a graduate students association for the university and shall give the graduate students association a name consisting of the words “The Graduate Students Association of” followed by the name of the university.

**7 Section 106(2)(b) is repealed and the following is substituted:**

- (b) a resident private college that

**5** Section 76 presently reads:

*76(1) In this section, “pooled trust fund” means a fund that consists of 2 or more trusts combined for the purpose of investment and that allocates to each trust an amount computed by reference to the value of that trust’s proportionate interest in the assets of the fund.*

*(2) A board may*

- (a) provide for the establishment, management, investment and winding-up of a pooled trust fund,*
- (b) alter the terms and conditions of a trust to allow the trust to participate in a pooled trust fund,*
- (c) alter the terms and conditions of a trust to enable income earned by the trust to be withheld from distribution to avoid fluctuations in the amounts distributed and generally to regulate the distribution of income earned by the trust, and*
- (d) provide for remuneration for the trustee of a pooled trust fund and the trusts that participate in the pooled trust fund out of the income earned by the pooled trust fund.*

**6** Section 94(1) presently reads:

*94(1) If a university offers a program of graduate studies, the Lieutenant Governor in Council may incorporate a graduate students association for the university and shall give any graduate students association so incorporated a name consisting of the words “The Graduate Students Association of” followed by the name of the university.*

**7** Section 106(2) presently reads:

*(2) Subsection (1) does not apply to*

- (i) is designated by the Lieutenant Governor in Council in accordance with the regulations as a private college that may grant approved degrees, and
- (ii) has the approval of the Minister to grant the degree or offer the program of study,

or

**8 Section 124(h) to (k) are repealed and the following is substituted:**

- (h) respecting the approval of proposals by public post-secondary institutions to establish, extend, expand, reduce, delete or transfer programs of study;
- (h.1) respecting the approval of proposals by resident private colleges to establish, extend, expand, reduce, delete or transfer programs of study for which a degree may be granted;
  - (i) respecting the referral to the Campus Alberta Quality Council of proposed programs of study for which a degree may be granted;
  - (j) respecting the designation of resident private colleges as institutions that may grant approved degrees, and the rescinding of designations;
- (k) respecting applications from non-resident institutions for approval to do the things referred to in section 106(1), including regulations
  - (i) respecting the form of an application for approval;
  - (ii) respecting conditions to be met by applicants for approval;
  - (iii) respecting the cancellation of an approval;



- (a) *a public post-secondary institution that has the approval of the Minister to grant the degree or offer the program of study,*
- (b) *a private college that has been designated as an institution that may grant a degree, or*
- (c) *a non-resident institution approved under the regulations under section 124(k).*

**8** Section 124(h) to (k) presently read:

*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 colleges;*
- (i) *respecting the referral of proposed degree programs to the Campus Alberta Quality Council for review and recommendations to the Minister;*
- (j) *respecting the authority of the Lieutenant Governor in Council*
  - (i) *to approve, by order, degree programs and to designate private colleges as institutions that may grant degrees relating to those programs, and*
  - (ii) *to rescind, by order, any approval or designation under subclause (i);*
- (k) *respecting applications from institutions that are resident outside Alberta for approval to do the things referred to in section 106(1), including regulations*
  - (i) *respecting the form of an application for approval;*
  - (ii) *respecting conditions to be met by applicants for approval;*
  - (iii) *respecting the renewal and cancellation of an approval;*





