

2008 Bill 31

First Session, 27th Legislature, 57 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 31

**FINANCIAL ADMINISTRATION
AMENDMENT ACT, 2008**

THE PRESIDENT OF THE TREASURY BOARD

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 31

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2008

FINANCIAL ADMINISTRATION AMENDMENT ACT, 2008

(Assented to , 2008)

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

Amends RSA 2000 cF-12

1 The *Financial Administration Act* is amended by this Act.

2 Section 82 is repealed.

Explanatory Notes

1 Amends chapter F-12 of the Revised Statutes of Alberta 2000.

2 Section 82 presently reads:

82(1) For the purposes of this section, "Provincial agency" means

(a) a Provincial corporation, or

(b) a Provincial committee

(i) that is created, continued or established by an Act and whose name is established by the Act, or

(ii) that administers money.

(2) All Provincial agencies in existence at that time are discontinued

(a) at the beginning of January 1, 2004, and

(b) at the end of the last day of each successive 5-year period beginning with the period that begins on January 1, 2004.

(3) The discontinuance of a Provincial agency does not extinguish any liabilities of the Provincial agency or relieve any person of an obligation the person has to the Provincial agency.

(4) Notwithstanding subsection (2), an Act, or a Schedule to this Act, may specify that a Provincial agency is to continue after the date on which it would otherwise be discontinued.

(5) If a Provincial agency is continued under this section, that Provincial agency is continued for a period ending not later than the next discontinuance date under subsection (2), unless a shorter period is specified or the Provincial agency is further continued in accordance with this section.

(6) A Provincial agency that is discontinued under this section must not carry on business or any other activity after it is discontinued, except pursuant to an order under subsection (7)(b) respecting the winding-up or dissolution of the Provincial agency.

(7) Notwithstanding subsections (2) and (5), the Lieutenant Governor in Council may

- (a) before the date on which it would otherwise be discontinued, order that a Provincial agency continue for a period specified in the order;*
- (b) notwithstanding any other Act, make an order, on the recommendation of the Treasury Board, on any matter in relation to the discontinuance of a Provincial agency, including, but not limited to, the winding-up or dissolution of the Provincial agency, contracts of employment of the Provincial agency, assets or liabilities of the Provincial agency or the statutory powers, duties or obligations of the Provincial agency.*

(8) An order under subsection (7)(a) may continue a Provincial agency for a period that ends no later than the date of the prorogation of the next session of the Legislature after the date on which the Provincial agency would otherwise be discontinued under subsection (2) or (5).

(9) An order under subsection (7)(b) respecting the winding-up or dissolution of a Provincial agency must specify

- (a) that the winding-up or dissolution must be completed within 15 months after the order is made, and*

3 The Schedule is repealed.

(b) that any undistributed gifts, bequests or donations to the Provincial agency are to be administered by a successor organization or the Crown for the same purpose for which the Provincial agency was established.

(10) The Regulations Act applies to an order made under subsection (7).

(11) This section does not apply to the following:

(b) the Alberta Social Housing Corporation under the Alberta Housing Act;

(c) the Teachers' Pension Plans Board of Trustees under the Teachers' Pension Plans Act;

(d) the Special Areas Board under the Special Areas Act;

(e) the Alberta Utilities Commission;

(f) the Energy Resources Conservation Board;

(h) the Surface Rights Board;

(i) Alberta Treasury Branches or any subsidiary of Alberta Treasury Branches or any corporation controlled by Alberta Treasury Branches directly or indirectly through one or more intermediary corporations;

(j) the Judicial Council established under Part 6 of the Judicature Act;

(k) the Public Trustee.

(12) Subsection (2)(a) does not apply to a Provincial corporation or Crown-controlled organization incorporated, in accordance with an approval under section 80, on or after February 1, 2003 but before January 1, 2004.

3 Repeal of Schedule.

4(1) The *Alberta Economic Development Authority Act* is amended by repealing section 7 and substituting the following:

Expiry

7 This Act expires on December 31, 2013 unless it is continued for a further period by an order of the Lieutenant Governor in Council.

(2) The *Alberta Enterprise Corporation Act* is amended by repealing section 17.

(3) The *Child and Family Services Authorities Act* is amended by repealing section 22 and substituting the following:

Expiry

22 This Act expires on December 31, 2013 unless it is continued for a further period by an order of the Lieutenant Governor in Council.

(4) The *Premier's Council on Alberta's Promise Act* is amended by repealing section 8 and substituting the following:

Expiry

8 This Act expires on December 31, 2013 unless it is continued for a further period by an order of the Lieutenant Governor in Council.

4(1) Amends chapter A-16 of the Revised Statutes of Alberta 2000. O.C. 442/2008 continued the Authority to December 31, 2013. Section 7 presently reads:

7(1) Notwithstanding section 82 of the Financial Administration Act, this Act expires on March 31, 2005 unless it is continued for a further period by an order of the Lieutenant Governor in Council.

(2) If this Act is continued for a further period by an order of the Lieutenant Governor in Council, section 82 of the Financial Administration Act, if in force, applies to this Act during that further period.

(2) Amends chapter A-17.5 of the Statutes of Alberta, 2008. Section 17 presently reads:

17 In accordance with section 82(4) of the Financial Administration Act, the Corporation continues after December 31, 2008 until it is discontinued in accordance with section 82(2)(b) of that Act or is disestablished or wound up.

(3) Amends chapter C-11 of the Revised Statutes of Alberta 2000. O.C. 129/2004 continued the Authority until December 31, 2008. Section 22 presently reads:

22(1) Notwithstanding section 82 of the Financial Administration Act, this Act expires on March 31, 2004 unless it is continued for a further period by an order of the Lieutenant Governor in Council.

(2) If this Act is continued for a further period by an order of the Lieutenant Governor in Council, section 82 of the Financial Administration Act applies to this Act.

(4) Amends chapter P-20.5 of the Statutes of Alberta, 2003. O.C. 167/2007 has continued the Council until December 31, 2008. Section 8 presently reads:

8(1) Notwithstanding section 82 of the Financial Administration Act, this Act expires on March 31, 2008 unless it is continued for a further period by an order of the Lieutenant Governor in Council.

(5) The *Public Sector Pension Plans Act* is amended by repealing section 9.1.

(6) The *School (Compulsory Attendance) Amendment Act, 2003* is amended by repealing section 7.

(7) The *Travel Alberta Act* is amended by repealing section 17.

(2) If this Act is continued for a further period by an order of the Lieutenant Governor in Council, section 82 of the Financial Administration Act applies to this Act.

(5) Amends chapter P-41 of the Revised Statutes of Alberta 2000. Section 9.1 presently reads:

9.1 If some or all of a Plan's administration functions are delegated by or under regulations made under section 12(b) or 12(1)(b) of a Schedule to a Provincial corporation within the meaning of the Financial Administration Act and that corporation becomes discontinued as a result of the application of section 82 of that Act, then, notwithstanding anything in that Act, the delegation is automatically revoked by this section unless the subject-matter of the delegation has previously been otherwise dealt with.

(6) Amends chapter 9 of the Statutes of Alberta, 2003. Section 7 presently reads:

7 The Financial Administration Act is amended in Part 5 of the Schedule by repealing section 1.

(7) Amends chapter T-6.5 of the Statutes of Alberta, 2008. Section 17 presently reads:

17 In accordance with section 82(4) of the Financial Administration Act, the Corporation continues after December 31, 2008 until it is discontinued in accordance with section 82(2)(b) of that Act or is disestablished or wound up.

