

2013 Bill 12

First Session, 28th Legislature, 62 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 12

FISCAL MANAGEMENT ACT

PRESIDENT OF TREASURY BOARD AND MINISTER OF FINANCE

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 12

2013

FISCAL MANAGEMENT ACT

(Assented to , 2013)

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

Definitions

1(1) In this Act,

- (a) “actual operational expense” means, with respect to a fiscal year, the actual operational expense of the Government and prescribed Provincial agencies as reported in the fiscal plan analysis for that year, but does not include changes in liabilities respecting pensions;
- (b) “actual operational revenue” means, with respect to a fiscal year, actual revenue of the Government and prescribed Provincial agencies, less
 - (i) revenue received for capital purposes,
 - (ii) commencing with the 2015-16 fiscal year, the prescribed savings,
 - (iii) commencing with the 2015-16 fiscal year, the amounts retained in the Heritage Fund under section 4,
 - (iv) other planned savings referred to in the fiscal plan, and
 - (v) revenue allocated for debt-servicing costs of the Government in respect of capital borrowing,as reported in the fiscal plan analysis for that year;
- (c) “annual report” means the Government’s annual report referred to in section 12;
- (d) “Contingency Account” means the Contingency Account referred to in section 5;
- (e) “Crown-controlled organization” means a Crown-controlled organization as defined in section 1(1)(e) of the *Financial Administration Act*;
- (f) “fiscal plan” means the fiscal plan referred to in section 8;

- (g) “fiscal plan analysis” means the fiscal plan analysis contained in the annual report;
 - (h) “Heritage Fund” means the Alberta Heritage Savings Trust Fund under the *Alberta Heritage Savings Trust Fund Act*;
 - (i) “ministry” of a particular Minister means
 - (i) the department administered by that Minister,
 - (ii) any Provincial agency for which that Minister is responsible, and
 - (iii) any Crown-controlled organization for which that Minister is responsible;
 - (j) “non-renewable resource revenue” means, with respect to a fiscal year, non-renewable resource revenue of the Government as reported in the fiscal plan analysis for that year;
 - (k) “prescribed Provincial agency” means a Provincial agency other than
 - (i) a Provincial agency referred to in section 2(5) of the *Financial Administration Act*, and
 - (ii) The Workers’ Compensation Board under the *Workers’ Compensation Act*;
 - (l) “prescribed savings” means, with respect to a fiscal year, the prescribed savings determined under section 3(2) as reported in the fiscal plan analysis for that year;
 - (m) “Provincial agency” means a Provincial agency as defined in section 1(1)(p) of the *Financial Administration Act*;
 - (n) “responsible Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act.
- (2)** If this Act provides that a person is required to make a document public, the person must
- (a) lay a copy of the document before the Legislative Assembly if it is sitting at the time the document is

required to be made public or, if it is not then sitting, within 21 days after the commencement of the next sitting, and

- (b) make the document available to the general public in a reasonable manner at the time required under this Act, whether or not the document has been laid before the Legislative Assembly.

No operational deficit

2 At the end of a fiscal year, actual operational expense must not exceed actual operational revenue plus any amount allocated from the Contingency Account under section 5(3)(b).

Prescribed savings from non-renewable resource revenue

3(1) In this section, “prescribed Funds” means the following:

- (a) Alberta Heritage Savings Trust Fund;
- (b) Alberta Heritage Science and Engineering Research Endowment Fund;
- (c) Alberta Heritage Foundation for Medical Research Endowment Fund;
- (d) Alberta Heritage Scholarship Fund.

(2) The prescribed savings with respect to a fiscal year are the aggregate of the following:

- (a) 5% of the first \$10 000 000 000 of the non-renewable resource revenue in the fiscal year;
- (b) 25% of the next \$5 000 000 000 of the non-renewable resource revenue in the fiscal year;
- (c) 50% of the non-renewable resource revenue in the fiscal year in excess of \$15 000 000 000.

(3) The amount of the prescribed savings for a fiscal year must be transferred to one or more of the prescribed Funds, as determined by the Treasury Board.

(4) Notwithstanding subsection (3), if after the application of section 5(3) the balance in the Contingency Account at the end of

the 2015-16 fiscal year is less than \$5 000 000 000, the amount of the prescribed savings determined under subsection (2) must be allocated or transferred as follows:

- (a) an amount equal to the lesser of the following must be allocated to the Contingency Account:
 - (i) the difference between \$5 000 000 000 and the balance in the Contingency Account as of the end of the fiscal year;
 - (ii) the prescribed savings for the fiscal year;
- (b) the remaining balance of the prescribed savings, if any, must be transferred to one or more of the prescribed Funds, as determined by the Treasury Board.

(5) If after the application of subsection (4) the balance in the Contingency Account remains at less than \$5 000 000 000, subsection (4) continues to apply with respect to subsequent fiscal years only until the balance in the Contingency Account at the end of a subsequent fiscal year is \$5 000 000 000 or more.

(6) This section applies to the 2015-16 fiscal year and subsequent fiscal years.

Alberta Heritage Savings Trust Fund net income

4(1) In this section, “net income” means the net income from operations as reported in the “Statement of Operations and Accumulated Surplus” contained in the Heritage Fund’s financial statements.

(2) For the 2015-16 fiscal year, the greater of the following must be retained in the Heritage Fund:

- (a) 30% of the net income of the Heritage Fund;
- (b) the amount determined under section 11(2) of the *Alberta Heritage Savings Trust Fund Act*.

(3) For the 2016-17 fiscal year, the greater of the following must be retained in the Heritage Fund:

- (a) 50% of the net income of the Heritage Fund;

(b) the amount determined under section 11(2) of the *Alberta Heritage Savings Trust Fund Act*.

(4) For the 2017-18 fiscal year and subsequent fiscal years, 100% of the net income of the Heritage Fund must be retained in the Heritage Fund.

Contingency Account

5(1) The Alberta Sustainability Fund is continued as an account within the General Revenue Fund under the name “Contingency Account”.

(2) The purpose of the Contingency Account is to provide funding for those years in which actual operational expense exceeds actual operational revenue.

(3) Within the General Revenue Fund,

- (a) if, at the end of a fiscal year, actual operational revenue exceeds actual operational expense (which excess is referred to in this section as surplus revenue), the surplus revenue must be allocated to the Contingency Account as follows:
 - (i) if the balance in the Contingency Account is \$5 000 000 000 or more, the Treasury Board must determine the amount of the surplus revenue, if any, to be allocated to the Contingency Account;
 - (ii) if the balance in the Contingency Account is less than \$5 000 000 000, an amount of the surplus revenue equal to the lesser of the following must be allocated to the Contingency Account:
 - (A) the difference between \$5 000 000 000 and the balance in the Contingency Account;
 - (B) the amount of the surplus revenue;
 - (iii) if after the application of subclause (ii) a balance of surplus revenue remains, the Treasury Board must determine if any of that balance is to be allocated to the Contingency Account;

(b) subject to subsection (6), if at the end of a fiscal year actual operational expense exceeds actual operational revenue, an amount equal to that difference must be allocated from the Contingency Account.

(4) Actual amounts allocated to or from the Contingency Account may be adjusted as required to reflect actual cash amounts, having regard to the inclusion in the calculation of actual operational expense and actual operational revenue of amounts that

- (a) are the net revenue of Provincial agencies or regulated funds that are not transferred to the General Revenue Fund,
- (b) are differences between accrued amounts and cash amounts, including the timing of those differences,
- (c) are cash required for the acquisition of a non-capital asset or reduction of a liability, or
- (d) are cash received from the disposal of an asset or the recognition of, or increase to, a liability.

(5) Nothing in this section limits the in-year allocation of amounts to or from the Contingency Account for cash management purposes.

(6) The balance in the Contingency Account may not be less than zero.

Debt-servicing limit

6 The debt-servicing costs of the Government for a fiscal year in respect of outstanding capital borrowing must not exceed 3% of the average of the actual operational revenue for the fiscal year and the previous 2 fiscal years.

Changes from the budget

7(1) Subject to section 2, not more than 1% of total budgeted operating expense for a fiscal year as set out in the fiscal plan may be committed for operating expense that was not included in the fiscal plan for that year.

(2) The following are not commitments for the purposes of subsection (1):

- (a) an increase in operating expense that is required during a fiscal year because of a public emergency or disaster declared by the Lieutenant Governor in Council to be a public emergency or disaster for the purpose of this section;
- (b) an increase in the amount authorized to be spent under a supply vote under section 24(2) of the *Financial Administration Act* and an increase in any other expense that is offset by additional revenue received for the specific purpose of that expense;
- (c) commitments made in connection with collective bargaining or other negotiations or settlements relating to remuneration;
- (d) commitments made for the fiscal year for the cost of a settlement with a First Nation.

Fiscal plan

8(1) The responsible Minister must prepare for each fiscal year, in respect of the Government and prescribed Provincial agencies, a fiscal plan for a period that includes the fiscal year and at least 2 subsequent fiscal years.

(2) The responsible Minister must make the fiscal plan public at the time the responsible Minister tables the main estimates for that fiscal year in the Legislative Assembly.

(3) If the responsible Minister tables supplementary estimates or a subsequent set of main estimates in the Legislative Assembly in respect of a fiscal year, the responsible Minister must table with those estimates an update to the fiscal plan for that year.

Contents of fiscal plan

9 A fiscal plan must include, in respect of the revenue and expense of the Government and prescribed Provincial agencies,

- (a) an operational plan,
- (b) a savings plan,
- (c) a capital plan, and

- (d) the major economic assumptions made in preparing the fiscal plan, including a comment on the effect that changes in those assumptions may have on the finances of the Government in the fiscal years to which the fiscal plan relates.

Business plans

10(1) A business plan must be prepared for each fiscal year, in respect of the Government and prescribed Provincial agencies, for a period that includes the fiscal year and at least 2 subsequent fiscal years.

(2) A Minister must for each fiscal year prepare a business plan in respect of the department administered by the Minister and prescribed Provincial agencies for which the Minister is responsible, for a period that includes the fiscal year and at least 2 subsequent fiscal years.

(3) The business plans must be in the form determined by the Treasury Board and must be made public at the same time as the responsible Minister makes the fiscal plan public.

Reports on progress

11(1) The responsible Minister must make the following public as follows:

- (a) the actual results of the fiscal plan for the first 3 months of the fiscal year, on or before August 31 in that year,
- (b) the actual results of the fiscal plan for the first 6 months of the fiscal year, on or before November 30 in that year, and
- (c) the actual results of the fiscal plan for the first 9 months of the fiscal year, on or before February 28 in that year.

(2) The responsible Minister may determine the content and form of a report made under this section.

(3) If a report made by the responsible Minister under this section includes all the information that is required to be given in a report under any other Act, the report under this section is deemed also to be made for the purposes of the other Act.

Government annual report

12(1) The responsible Minister must prepare and make public on or before June 30 of each year an annual report for the fiscal year ending on the preceding March 31.

(2) The annual report must include for a fiscal year

- (a) a fiscal plan analysis that includes a statement of
 - (i) the actual operational revenue and actual operational expense,
 - (ii) the debt-servicing costs of the Government,
 - (iii) the amount of non-renewable resource revenue,
 - (iv) the amount allocated to or from the Contingency Account under section 5(3), and
 - (v) the prescribed savings,
- (b) a comparison of the actual performance results to the desired results included in the business plan under section 10(1), and an explanation of any significant variances,
- (c) the consolidated financial statements of the Province of Alberta,
- (d) the Auditor General's report under section 18 of the *Auditor General Act*, if the Auditor General's report in respect of the fiscal year is available when the responsible Minister makes the consolidated financial statements public, and
- (e) any other information the responsible Minister considers appropriate.

Ministry annual reports

13(1) A Minister must prepare and make public, in a form and at a time acceptable to the Treasury Board, a ministry annual report for the fiscal year ending on the preceding March 31 for the ministry for which the Minister is responsible, including

- (a) in the case of the Minister responsible for the *Regional Health Authorities Act*, for a regional health authority, and

(b) in the case of the Minister responsible for the *School Act*, for the school boards under that Act.

(2) The ministry annual report must include the information the responsible Minister considers appropriate.

(3) A ministry annual report prepared in accordance with this section and laid before the Legislative Assembly in accordance with section 45 of the *Legislative Assembly Act* is deemed to be a general report summarizing the transactions and affairs of the department administered by the Minister for the purposes of section 45 of the *Legislative Assembly Act*.

(4) If a Minister is required to lay the financial statements of an entity referred to in subsection (1) before the Legislative Assembly under any other Act and those financial statements are included in the ministry annual report when it is made public under this Act, the financial statements are deemed to have been laid before the Legislative Assembly for the purposes of that other Act.

Accountable organization

14(1) In this section, “accountable organization” means

- (a) a Provincial agency other than a corporation referred to in section 2.2(4) of the *Funds and Agencies Exemption Regulation* (AR 128/2002),
- (b) a Crown-controlled organization,
- (c) a board under the *School Act*, or
- (d) a regional health authority, subsidiary health corporation, community health council or provincial health board under the *Regional Health Authorities Act*.

(2) The governing body of an accountable organization must prepare and give to the Minister responsible for the accountable organization a business plan and annual report for each fiscal year, in the form, at a time and containing the information, acceptable to the responsible Minister.

(3) The Minister responsible for an accountable organization that does not administer a budget and whose mandate is purely advisory may by order exempt that accountable organization from the requirements of subsection (2).

(4) An accountable organization must make the business plan or annual report referred to in subsection (2) publicly available after it is given to the Minister.

Contents of public accounts

15 The public accounts for a fiscal year must include the following:

- (a) the annual report prepared under section 12,
- (b) the ministry annual reports prepared under section 13, including the reports or statements prepared pursuant to sections 23, 25(3), 28(5), 28.1(4), 30, 56(2), 66(2) and 75 of the *Financial Administration Act*, and
- (c) any supplementary schedules, statements, explanations and financial statements that the responsible Minister may require.

Application

16 Except as otherwise provided, this Act applies in respect of the 2013-14 fiscal year and subsequent fiscal years.

Consequential and Related Amendments, Repeals and Coming into Force

Amends RSA 2000 cA-7

17 The *Agricultural Operation Practices Act* is amended by repealing section 1(d.1) and substituting the following:

- (d.1) “ministry” means a department administered by a minister and any Provincial agency and Crown-controlled organization for which that minister is responsible;

Amends RSA 2000 cA-15

18 The *Alberta Corporate Tax Act* is amended by repealing section 26.41.

Explanatory Notes

17 Amends chapter A-7 of the Revised Statutes of Alberta 2000.
Section 1(d.1) presently reads:

1 In this Act,

*(d.1) “ministry” means ministry as defined in the Government
Accountability Act;*

18 Amends chapter A-15 of the Revised Statutes of Alberta 2000.
Section 26.41 presently reads:

Amends RSA 2000 cA-23

19(1) The *Alberta Heritage Savings Trust Fund Act* is amended by this section.

(2) Section 1 is repealed and the following is substituted:

Definitions

1 In this Act,

- (a) “Heritage Fund” means the Alberta Heritage Savings Trust Fund referred to in section 2;
- (b) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (c) “net income of the Heritage Fund” means net income of the Heritage Fund from operations as reported in the “Statement of Operations and Accumulated Surplus” contained in the Heritage Fund’s financial statements;

26.41(1) *The aggregate of all royalty tax credits paid under this Act shall*

- (a) *be applied by the Provincial Minister to reduce non-renewable resource revenue, as defined in the Alberta Heritage Savings Trust Fund Act, and*
- (b) *be deducted from the total amounts used to determine the transfers required to be made to the Alberta Heritage Savings Trust Fund pursuant to section 9 of the Alberta Heritage Savings Trust Fund Act or any Special Act referred to in that section and enacted before or after April 1, 1984, notwithstanding anything in those Acts.*

(2) *The aggregate of all royalty credits paid under Part 11 shall*

- (a) *be applied by the Provincial Minister to reduce non-renewable resource revenue, as defined in the Alberta Heritage Savings Trust Fund Act, and*
- (b) *be deducted from the total amounts used to determine the transfers required to be made to the Alberta Heritage Savings Trust Fund pursuant to section 9 of the Alberta Heritage Savings Trust Fund Act or any Special Act referred to in that section and enacted before or after April 1, 1984, notwithstanding anything in those Acts.*

19 Amends chapter A-23 of the Revised Statutes of Alberta 2000. Sections 1, 2, 3, 5, 6(1) and (4), 7, 8, 9, 9.2, 11 and 12 presently read:

Definitions

1 *In this Act,*

- (a) *“endowment portfolio” means the endowment portfolio referred to in section 3;*
- (b) *“Heritage Fund” means the Alberta Heritage Savings Trust Fund referred to in section 2;*
- (c) *“mineral agreement” means an agreement as defined in the Mines and Minerals Act;*
- (d) *“non-renewable resource revenue” means*

(d) “Standing Committee” means the Standing Committee established under section 6.

(3) Section 2 is amended by adding the following after subsection (1):

(1.1) The Crown is the legal and beneficial owner of the Heritage Fund.

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

Investments by the Heritage Fund

3(1) The investments of Heritage Fund assets must be made with the objective of maximizing long-term financial returns.

(2) When making investments, the Minister shall adhere to investment and lending policies, standards and procedures that a reasonable and prudent person would apply in respect of a portfolio of investments to avoid undue risk of loss and obtain a reasonable return that will enable the Heritage Fund to meet its objectives.

(5) Section 5 is amended

(a) by striking out “of Revenue”;

(b) by striking out “endowment portfolio and the transition portfolio” and substituting “Heritage Fund”.

(6) Section 6(4)(a) is repealed.

(7) Section 7 is repealed.

(8) Section 8 is repealed and the following is substituted:

Investment income of Fund

8(1) The net income of the Heritage Fund accrues to and forms part of the Heritage Fund.

(2) For the 2013-14 and 2014-15 fiscal years, the net income of the Heritage Fund less the amount retained in the Heritage Fund under section 11(1) must be transferred by the Minister from the Heritage Fund to the General Revenue Fund annually in a manner determined by the Minister.

(3) For the 2015-16 and 2016-17 fiscal years, the net income of the Heritage Fund less the amounts determined under section

- (i) *money received by the Crown under a mineral agreement or a contract under section 9 of the Mines and Minerals Act or under a reservation of royalty in letters patent conveying title to a mineral,*
- (ii) *money received by the Crown from or in connection with the disposition of the Crown's royalty share of a mineral,*
- (iii) *fees paid to the Crown in connection with the issuance of a mineral agreement,*
- (iv) *money received by the Crown as a bonus to acquire a mineral agreement, and*
- (v) *money received by the Crown pursuant to a contract under which the Crown agrees to accept that money instead of royalty otherwise payable under one or more leases of oil sands rights issued under the Mines and Minerals Act;*
- (e) *“Special Act” with reference to any fiscal year means an Act of the Legislature authorizing the transfer from the General Revenue Fund to the Heritage Fund of a percentage of the non-renewable resource revenue received in that fiscal year;*
- (f) *“Standing Committee” means the Standing Committee established under section 6;*
- (g) *“transition portfolio” means the transition portfolio referred to in section 3.*

2(1) There is hereby continued the Alberta Heritage Savings Trust Fund established under the Alberta Heritage Savings Trust Fund Act, RSA 1980 cA-27.

(2) The Minister of Finance shall hold, manage, invest and dispose of the assets of the Heritage Fund in accordance with this Act.

(3) The Minister of Finance shall establish and maintain a separate accounting record of the Heritage Fund.

3(1) The investments and other assets of the Heritage Fund shall be contained

- (a) in an endowment portfolio, and*

4(2) and (3) of the *Fiscal Management Act* respectively for those fiscal years must be transferred by the Minister from the Heritage Fund to the General Revenue Fund annually in a manner determined by the Minister.

(4) For fiscal years subsequent to the 2016-17 fiscal year, the net income of the Heritage Fund must be retained in the Heritage Fund as provided for in section 4(4) of the *Fiscal Management Act*.

(9) Section 9 is repealed and the following is substituted:

Transfer of non-renewable resource revenue

9 The amounts transferred to the Heritage Fund under section 3 of the *Fiscal Management Act* form part of the Heritage Fund.

(10) Section 9.2 is repealed and the following is substituted:

Appropriated funds

9.2 In addition to an amount transferred under section 3 of the *Fiscal Management Act*, there may be paid into the Heritage Fund money appropriated by the Legislature.

(11) Section 11 is repealed and the following is substituted:

Inflation proofing

11(1) Subject to subsection (3), for the fiscal years 2013-14 and 2014-15, the Minister must retain in the Heritage Fund from the net income of the Heritage Fund, which would otherwise be transferred to the General Revenue Fund under section 8(2), as soon as convenient after the end of those fiscal years, an amount equal to the lesser of

- (a) the accumulated operating surplus of the Heritage Fund as reported in the “Statement of Operations and Accumulated Surplus” contained in the financial statements of the Heritage Fund as of March 31 of the previous fiscal year multiplied by the percentage increase, if any, for that fiscal year in the Canadian gross domestic product price index specified by the Minister, and
- (b) the net income of the Heritage Fund for that fiscal year.

(2) For the fiscal years 2015-16 and 2016-17, the amounts referred to in section 4(2)(b) and (3)(b) of the *Fiscal Management Act* are determined by multiplying the accumulated operating surplus of the Heritage Fund as reported in the

(b) until no later than December 31, 2005, in a transition portfolio.

(2) Investments made under the endowment portfolio must be made with the objective of maximizing long-term financial returns.

(3) Investments made under the transition portfolio must be made with the objective of supporting the Government's short-term to medium-term income needs as reflected in the Government's consolidated fiscal plan.

(4) Subject to the regulations, when making investments the Minister of Finance shall adhere to investment and lending policies, standards and procedures that a reasonable and prudent person would apply in respect of a portfolio of investments to avoid undue risk of loss and obtain a reasonable return that will enable the endowment portfolio and the transition portfolio to meet their respective objectives.

5 The Minister of Revenue may be a participant under section 40 of the Financial Administration Act on behalf of the endowment portfolio and the transition portfolio.

6(1) There is hereby established a standing committee of the Legislative Assembly called the "Standing Committee on the Alberta Heritage Savings Trust Fund" consisting of 9 members of the Legislative Assembly.

(4) The functions of the Standing Committee are

- (a) to review and approve annually the business plan for the Heritage Fund;*
- (b) to receive and review quarterly reports on the operation and results of the operation of the Heritage Fund;*
- (c) to approve the annual report of the Heritage Fund;*
- (d) to review after each fiscal year end the performance of the Heritage Fund and report to the Legislature as to whether the mission of the Heritage Fund is being fulfilled;*
- (e) to hold public meetings with Albertans on the investment activities and results of the Heritage Fund.*

“Statement of Operations and Accumulated Surplus” contained in the financial statements of the Heritage Fund as of March 31 of the previous fiscal year by the percentage increase, if any, for that fiscal year in the Canadian gross domestic product price index specified by the Minister.

(3) For the purposes of subsections (1) and (2), if the percentage increase in the gross domestic product price index specified by the Minister is a negative number, that negative number shall be treated as if it were zero.

(4) This section is repealed on March 31, 2017.

(12) Section 12 is repealed.

(13) In the following provisions, “Minister of Finance” is struck out wherever it occurs and “Minister” is substituted:

section 2(2) and (3);
section 4;
section 9.1;
section 13;
section 15;
section 16.

7(1) The Minister of Finance shall for each fiscal year prepare and provide to the Treasury Board a business plan for the Heritage Fund.

(2) Once the Treasury Board has advised the Minister of Finance that the Treasury Board has approved the business plan, the Minister of Finance shall provide a copy of the approved business plan to the Standing Committee for the Standing Committee's approval.

(3) On the Standing Committee's giving its approval of the business plan, the Minister of Finance shall incorporate the business plan into the business plan prepared by the Minister of Finance under section 13 of the Government Accountability Act.

8(1) The income of the Heritage Fund accrues to and forms part of the Heritage Fund.

(2) The net income of the Heritage Fund less the amount allocated to the Heritage Fund under section 11 shall be transferred by the Minister of Finance from the Heritage Fund to the General Revenue Fund annually in a manner determined by the Minister of Finance.

9(1) A percentage of the non-renewable resource revenue received in each fiscal year shall be transferred from the General Revenue Fund to the Heritage Fund in accordance with this Act, but only if the transfer is authorized by a Special Act.

(2) The title of a Special Act shall be the "Alberta Heritage Savings Trust Fund Special Appropriation Act" followed by a reference to the fiscal year to which it relates.

(3) The President of the Executive Council or a member of the Executive Council designated by the President of the Executive Council for the purpose shall, with leave of the Assembly, introduce a Bill for a Special Act in respect of each fiscal year.

(4) The Minister of Finance shall, with respect to each fiscal year in respect of which a Special Act is enacted, transfer the percentage authorized in accordance with subsection (1) of the non-renewable resource revenue received from the General Revenue Fund to the Heritage Fund in a manner determined by the Minister of Finance.

9.2 There may be paid into the Heritage Fund money appropriated by the Legislature.

Amends SA 2009 cA-31.5

20 The *Alberta Public Agencies Governance Act* is amended

(a) in section 1(2)(a) by striking out “under the *Government Accountability Act*”;

11(1) Subject to subsections (2) and (3), for the fiscal year 1999-2000 and subsequent fiscal years, the Minister of Finance shall retain from the income of the Heritage Fund and allocate to the endowment portfolio as soon as convenient after the end of each fiscal year an amount equal to the value of the total equity of the Heritage Fund as recorded in the financial statements of the Heritage Fund for March 31 of the fiscal year multiplied by the percentage increase, if any, for that fiscal year in the Canadian gross domestic product price index specified by the Minister of Finance.

(2) If the income of the Heritage Fund in a fiscal year is less than that required to be allocated to the endowment portfolio under subsection (1), the Minister of Finance shall allocate that income, if any, to the endowment portfolio as soon as convenient after the end of that fiscal year.

(3) For the purposes of subsection (1), if the percentage increase in the gross domestic product price index specified by the Minister of Finance is a negative number, that negative number shall be treated as if it were zero.

(4) Notwithstanding subsections (1), (2) and (3), until the accumulated debt is eliminated in accordance with the Fiscal Responsibility Act, the Minister of Finance is not required to retain the amounts required under subsections (1), (2) and (3), but may retain any amounts that the Minister of Finance considers advisable.

12(1) The Lieutenant Governor in Council shall in each fiscal year direct the Minister of Finance to allocate assets with a book value of \$1 200 000 000, or any greater amount that is authorized by the Lieutenant Governor in Council, from the transition portfolio to the endowment portfolio.

(2) Notwithstanding subsection (1), by December 31, 2005 all the assets of the Heritage Fund that remain allocated to the transition portfolio shall be removed from the transition portfolio and allocated to the endowment portfolio.

20 Amends chapter A-31.5 of the Statutes of Alberta, 2009.
Sections 1 and 45 presently read in part:

1(2) In this Act, a reference to the responsible Minister in respect of a public agency or to the Minister who is responsible for a public agency is a reference to

- (b) in section 1(3)(b) by striking out “under the *Government Accountability Act*”;
- (c) by repealing section 45.

Amends SA 2007 cA-37.2

21 The *Alberta Utilities Commission Act* is amended by repealing section 32(4).

Amends RSA 2000 cD-6

22 The *Debtors’ Assistance Act* is amended in section 10(1)(d) by striking out “section 14(2) of the *Government Accountability Act*” and substituting “section 13(2) of the *Fiscal Management Act*”.

(a) *the Minister to whom the public agency reports under the Government Accountability Act, or*

(b) *the Minister determined under subsection (3).*

(3) *The Lieutenant Governor in Council may by order decide, in respect of any particular public agency,*

(a) *any question that arises as to which Minister is the responsible Minister for the purposes of subsection (2)(a), and*

(b) *which Minister is the responsible Minister, if the public agency is not required to report to a Minister under the Government Accountability Act.*

45 *The Government Accountability Act is amended in section 16 by adding the following after subsection (2):*

(2.1) The Minister responsible for an accountable organization that does not administer a budget and whose mandate is purely advisory may by order exempt that organization from the requirements of subsection (2).

21 Amends chapter A-37.2 of the Statutes of Alberta, 2007.

Section 32(4) presently reads:

(4) For the purposes of the Government Accountability Act, the Market Surveillance Administrator is not part of the ministry, as defined in that Act, of any Minister of the Government of Alberta.

22 Amends chapter D-6 of the Revised Statutes of Alberta 2000.

Section 10(1)(d) presently reads:

10(1) Not later than 120 days after the last day of the Board's fiscal year, the Board shall prepare an annual report for the previous fiscal year, which must contain

(d) *the information referred to in section 14(2) of the Government Accountability Act, if required by the Minister, and*

Amends SA 2012 cE-0.3

23 The *Education Act* is amended

- (a) by repealing section 268;**
- (b) in section 288 by striking out “Government Accountability Act 16(1)(a)” and substituting “Fiscal Management Act 13(1)(b); 14(1)(c)”.**

Amends SA 2003 cE-5.1

24 The *Electric Utilities Act* is amended by repealing sections 7(4) and 75(4).

Amends RSA 2000 cF-12

25 The *Financial Administration Act* is amended by repealing section 62 and substituting the following:

Debt limit

62 The validity and enforceability of Government securities issued in accordance with this Part is not affected by any non-compliance with the debt-servicing limit referred to in section 6 of the *Fiscal Management Act*.

23 Amends chapter E-0.3 of the Statutes of Alberta, 2012.
Sections 268 and 88 presently read:

268(1) The Fiscal Responsibility Act is amended by this section.

(2) Section 1(a)(i)(D) is amended by striking out “school boards under the School Act” and substituting “boards of school divisions under the Education Act”.

288 The following enactments are amended by striking out “School Act” and substituting “Education Act”:

Government Accountability Act 16(1)(a)

24 Amends chapter E-5.1 of the Statutes of Alberta, 2003.
Sections 7(4) and 75(4) presently read:

7(4) For the purposes of the Government Accountability Act, the Independent System Operator is not part of the ministry, as defined in that Act, of any Minister of the Government of Alberta.

75(4) For the purposes of the Government Accountability Act, the Balancing Pool is not part of the ministry, as defined in that Act, of any Minister of the Government of Alberta.

25 Amends chapter F-12 of the Revised Statutes of Alberta 2000.
Section 62 presently reads:

62(1) The amount of the unredeemed Government securities that have not matured and that are issued in respect of money raised under section 56(1) less the aggregate of

(a) the amount of the sinking funds established for the retirement of Government securities and the interest accrued on those sinking funds,

(b) the amount on deposit from time to time in lending institutions under section 3(a) of the Farm Credit Stability Act, and

(c) the amount of Government securities acquired and held under section 60

Amends RSA 2000 cl-3

26 The *Insurance Act* is amended by repealing section 15.1(1) and substituting the following:

Employee benefit schemes for income replacement

15.1(1) In this section, “non-accountable entities” means entities that are not accountable organizations within the meaning of section 14 of the *Fiscal Management Act*.

Amends RSA 2000 cM-17

27 The *Mines and Minerals Act* is amended by repealing section 4 and substituting the following:

Grants

4 If regulations under section 5(1)(m) authorize the payment of grants relating to exploratory drilling, development drilling, geophysical exploration or well servicing, the grants shall be paid from the General Revenue Fund where there is no supply vote for the purpose.

shall at no time exceed \$21 500 000 000.

(2) The total net amount outstanding of all overdrafts incurred by the Crown at a bank, treasury branch or other financial institution shall at no time exceed \$500 000 000.

(3) An overdraft incurred by a Provincial agency that is authorized by or under an Act to borrow by way of overdraft is not to be included in calculating the total net amount referred to in subsection (2).

26 Amends chapter I-3 of the Revised Statutes of Alberta 2000. Section 15.1(1) presently reads:

15.1(1) In this section, “non-accountable entities” means entities that are not accountable organizations within the meaning of section 16 of the Government Accountability Act.

27 Amends chapter M-17 of the Revised Statutes of Alberta 2000. Section 4 presently reads:

4(1) In this section, “non-renewable resource revenue” has the meaning given to it by the Alberta Heritage Savings Trust Fund Act.

(2) If regulations under section 5(1)(m) authorize the payment of grants relating to exploratory drilling, development drilling, geophysical exploration or well servicing,

- (a) the grants shall be paid from the General Revenue Fund where there is no supply vote for the purpose, and*
- (b) unless the Treasury Board otherwise directs, the grants must be*
 - (i) applied to reduce non-renewable resource revenue, and*
 - (ii) deducted from the total amounts used to determine the transfers required to be made to the Alberta Heritage Savings Trust Fund pursuant to section 9 of the Alberta Heritage Savings Trust Fund Act or any Special Act referred to in that section, notwithstanding anything in those Acts.*

Repeals

28(1) The *Fiscal Responsibility Act*, SA 2009 cF-15.1, is repealed.

(2) The *Government Accountability Act*, RSA 2000 cG-7, is repealed.

(3) If regulations under section 5(1)(o) authorize the application of credits relating to exploratory drilling, development drilling, geophysical exploration or well servicing against the payment of money owing to the Crown in right of Alberta, the amounts of those credits shall be

- (a) applied to reduce non-renewable resource revenue, and*
- (b) deducted from the total amounts used to determine the transfers required to be made to the Alberta Heritage Savings Trust Fund pursuant to section 9 of the Alberta Heritage Savings Trust Fund Act or any Special Act referred to in that section, notwithstanding anything in those Acts.*

28 Repealed.

