

2019 Bill 22

First Session, 30th Legislature, 68 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 22

**REFORM OF AGENCIES, BOARDS AND
COMMISSIONS AND GOVERNMENT
ENTERPRISES ACT, 2019**

THE PRESIDENT OF TREASURY BOARD AND MINISTER OF FINANCE

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 22

BILL 22

2019

REFORM OF AGENCIES, BOARDS AND COMMISSIONS AND GOVERNMENT ENTERPRISES ACT, 2019

(Assented to , 2019)

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

Alberta Capital Finance Authority Act

Termination of board of directors

1 All appointments to the board of directors of the Alberta Capital Finance Authority are terminated.

Cancellation of shares

2(1) All shares of the Alberta Capital Finance Authority referred to in section 4(1)(a) of the *Alberta Capital Finance Authority Act* are cancelled.

(2) All shares of the Alberta Capital Finance Authority referred to in section 4(1)(b) to (e) of the *Alberta Capital Finance Authority Act* are cancelled in exchange for the issued value of \$10.

Amends RSA 2000 cA-14.5

3(1) This section amends the *Alberta Capital Finance Authority Act*.

(2) Section 1 is amended

(a) in subsection (1)

(i) by repealing clause (a);

Explanatory Notes

Alberta Capital Finance Authority Act

1 Termination of board of directors.

2 Cancellation of shares.

3(1) Amends chapter A-14.5 of the Revised Statutes of Alberta 2000.

(2) Section 1 presently reads in part:

1(1) In this Act,

(a) “Board” means the board of directors of the Corporation;

(c) “director” means a member of the Board;

(ii) by repealing clause (c) and substituting the following:

(c) “director” means the director appointed under section 10;

(iii) in clause (f) by striking out “being allotted shares in the Corporation or”;

(iv) in clause (k) by striking out “Board” and substituting “director”;

(v) in clause (m) by striking out “being allotted shares in the Corporation or”;

(b) by repealing subsection (3).

(3) Section 4 is repealed and the following is substituted:

Capital stock

4 The share capital of the Corporation consists of one share owned by the Crown.

(4) Sections 6 to 9 are repealed.

(f) *“improvement district” means, with respect to being allotted shares in the Corporation or borrowing from the Corporation, the Government of Alberta as represented by the Minister responsible for improvement districts;*

(k) *“resolution” means a resolution of the Board;*

(m) *“special area” means, with respect to being allotted shares in the Corporation or borrowing from the Corporation, the Government of Alberta as represented by the Minister responsible for special areas.*

(3) *A reference in this Act to a city, town, municipal district, specialized municipality, improvement district, special area or Metis settlement is also a reference, for the purposes of determining population, to the geographical area within the boundaries of the city, town, municipal district, specialized municipality, improvement district, special area or Metis settlement.*

(3) Section 4 presently reads:

4(1) The share capital of the Corporation shall consist of

(a) 4500 Class A shares to be allotted only to Her Majesty the Queen in right of Alberta,

(b) 1000 Class B shares to be allotted only to municipal authorities, health authorities and regional authorities,

(c) 750 Class C shares to be allotted only to cities,

(d) 750 Class D shares to be allotted only to towns, and

(e) 500 Class E shares to be allotted only to educational authorities.

(2) All shares of the Corporation are common shares with an issued value of \$10.

(3) The only voting rights attached to a share of the Corporation are those set out in this Act.

(4) Sections 6 to 9 presently read:

6(1) Subject to the Financial Administration Act and notwithstanding any other Act, a local authority may acquire any share that the Corporation has made available for allocation to it.

(2) The authority to purchase shares of the Corporation may be given by resolution of the local authority or the Corporation and the assent to it of any other persons or bodies is not required.

7 Subject to the Financial Administration Act, the Government of Alberta may acquire Class A shares, notwithstanding any other Act of the Legislature.

8(1) The Corporation may, subject to the regulations,

- (a) allot Class A shares to Her Majesty the Queen in right of Alberta in the amount requested by the Minister;*
- (b) allot Class B shares to improvement districts, Metis settlements, municipal districts, special areas and specialized municipalities in ratios based on the population of each of them;*
- (c) allot one Class B share to each regional authority;*
- (d) allot one Class B share to each health authority;*
- (e) allot Class C shares to cities in ratios based on the population of each city;*
- (f) allot Class D shares to towns in ratios based on the population of each town;*
- (g) allot one Class E share to each educational authority.*

(1.1) If a share of the Corporation has been allotted to and issued in the name of a non-legal entity, that share is deemed to have been allotted and issued to the corporation that is responsible for or that corresponds to that non-legal entity.

(2) The Corporation shall at all times keep available sufficient shares to enable it to allot shares to new or expanding local authorities.

(3) If it becomes necessary for the purposes of subsection (2), the Lieutenant Governor in Council may, by order, increase the capitalization of the Corporation but not so as to vary the ratio between the number of Class A shares authorized by section 4 and the other classes of shares authorized by that section.

9(1) Except as otherwise provided by resolution, the shares of the Corporation are non-transferable.

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

Director

10(1) The Lieutenant Governor in Council shall appoint an individual as the director of the Corporation to administer the business of the Corporation.

(2) The Corporation shall indemnify the director against all costs, charges and expenses, including any amount paid to settle an action or satisfy a judgment, reasonably incurred by the director with respect to a civil, criminal or administrative action or proceeding to which the director is made a party because of the director's position if

- (a) the director acted honestly, in good faith and with a view to the best interests of the Corporation, and
- (b) in the case of a criminal or administrative action or proceeding that is enforced by a monetary penalty, the director had reasonable grounds for believing that the conduct was lawful.

(6) Sections 11, 14, 15 and 16 are repealed.

(2) The Corporation may make any resolutions considered advisable to provide for any changes in the status of a shareholder, either by change of corporate entity or by population or otherwise, and for the purposes of any such resolution the Corporation may provide for the reversion to it of any shares on changes of status, and may purchase shares for cash, not in excess of the par value, or exchange shares for other shares, and may hold shares so purchased or exchanged for allotment in accordance with this Act and the resolutions of the Corporation.

(5) Section 10 presently reads:

10(1) The board of directors of the Corporation consists of the following:

- (a) 5 directors appointed by the Lieutenant Governor in Council;*
- (b) one director elected by the shareholders of the Class B shares;*
- (c) one director elected by the shareholders of the Class C shares;*
- (d) one director elected by the shareholders of the Class D shares;*
- (e) one director elected by the shareholders of the Class E shares.*

(2) The business of the Corporation is to be administered by the Board.

(3) The Board may exercise all the powers of the Corporation.

(6) Sections 11, 14, 15 and 16 presently read:

11(1) A person is not eligible to be elected or appointed to the Board unless the person is a Canadian citizen or lawfully admitted into Canada as a permanent resident and has been a resident of Alberta for at least one year.

(2) Not more than 2 employees of the Government of Alberta may be appointed to the Board.

(3) When there is a vacancy on the Board, the remaining directors may exercise all the powers of the Board so long as there is a quorum of the Board.

(4) The directors, other than officers or employees of the Government of Alberta or officers or employees of any agent of the Government of Alberta, are to be paid remuneration for their services as prescribed by the Lieutenant Governor in Council.

(5) The Corporation may pay the directors' travelling and living expenses incurred while they are away from their ordinary places of residence in the course of their duties as directors at a rate determined by the Corporation.

14 The election of the directors of the Corporation who are to be elected shall be held at the annual general meeting of the Corporation.

15(1) Subject to subsection (4), the term of office of a person who is elected as a director by a class of shareholders is 3 years.

(2) The term of office of a person appointed as a director by the Lieutenant Governor in Council is as prescribed in the appointment, but may not exceed 3 years.

(3) A person who is a director is eligible to be re-elected or reappointed as a director.

(4) The term of office of a director,

(a) in the case of a director elected by the Class C or Class E shareholders, is to expire in the year following the year in which the term of office of the director elected by the Class B shareholders expires, and

(b) in the case of a director elected by the Class D shareholders, is to expire in the 2nd year following the year in which the term of office of the director elected by the Class B shareholders expires,

and in order to maintain that sequence of expiries the Board may by resolution direct, where necessary to maintain that sequence, that a director be elected for a term of office that is longer or shorter than 3 years, but in no case is that term of office to exceed 4 years.

(5) Subject to subsections (6), (7) and (8), a person is not eligible to hold office as a director for more than 9 consecutive years.

(6) A person who has held office as a director for 9 consecutive years is once again eligible to be elected or appointed as a director

if at least 3 years has elapsed from the time that the person last ceased holding office as a director.

(7) If during a director's term of office the 9-year period referred to in subsection (5) expires before the director has completed that term of office, the director may complete that term of office as if the 9-year period had not expired.

(8) Notwithstanding anything in this section, after the expiry of a person's term of office as a director that person continues to hold office as a director until

- (a) that person is re-elected or reappointed, as the case may be, as a director,*
- (b) that person's successor is elected or appointed, as the case may be, as a director, or*
- (c) 12 months has elapsed,*

whichever comes first.

16(1) If during a director's term of office that director's position on the Board becomes vacant,

(a) in the case of a director appointed to the Board by the Lieutenant Governor in Council, the Lieutenant Governor in Council may appoint a director to serve for the unexpired term of office, and

(b) in the case of a director elected to the Board,

(i) the remaining directors elected by the Class B, Class C, Class D and Class E shareholders may appoint a person to act as an interim director to serve until the next annual meeting, and

(ii) at the next annual meeting the shareholders of the class of shares who elected the director whose position had become vacant may elect a director to serve for the unexpired term of office.

(2) An interim director appointed pursuant to this section may, while holding office, exercise all the powers of a director.

(7) Section 17 is amended

- (a) by repealing subsection (1);**
- (b) in subsection (2) by striking out “Board” wherever it occurs and substituting “director”;**
- (c) by repealing subsection (3);**
- (d) in subsection (4)**
 - (i) by striking out “Board” and substituting “director”;**
 - (ii) by striking out “a director,”.**

(8) Sections 18 and 19 are repealed.

(3) For the purposes of section 15(5), the time served by an interim director or a director pursuant to this section is not to be considered in determining that person's eligibility to hold office as a director.

(7) Section 17 presently reads:

17(1) The Minister may appoint from among the directors a chair and one or more vice-chairs of the Board.

(2) The Board may appoint a president of the Corporation and any other officers of the Corporation that the Board considers necessary to carry out the business of the Corporation.

(3) A person is not eligible to serve concurrently as the president of the Corporation and as the chair or vice-chair of the Board.

(4) The Board may delegate in writing any power or duty conferred on it, except the power to make resolutions, to a committee appointed by it, or to a director, an officer or an employee of the Corporation or to an employee of the Government of Alberta.

(8) Sections 18 and 19 presently read:

18(1) A majority of the Board constitutes a quorum for the transaction of the business of the Corporation.

(2) The affirmative votes of a majority of the Board present at any meeting of the Board at which a quorum is present are sufficient to pass any resolution of the Board.

19(1) At all meetings of the shareholders of the Corporation, a shareholder has one vote for each of the shares of the Corporation that the shareholder holds.

(2) Notwithstanding subsection (1), in an election for a director to be elected by the shareholders of a class of shares, the only shares that may be voted in the election for that director are the shares of that class.

(3) A person may establish the right to vote a share that is held by a shareholder by filing with the Corporation, in a manner and within a time acceptable to the Board, a notice given by or on behalf of the shareholder appointing that person as its authorized representative for the purposes of voting.

(9) Section 19.1 is amended in subsections (1) and (2) by striking out “Board” and substituting “director”.

(10) Section 20 is repealed.

(11) Section 21 is amended

- (a) in clause (a) by striking out “that are its shareholders”;**
- (b) in clause (b) by striking out “that is its shareholder”.**

(12) Section 35(a) is amended by striking out “8.”.

(13) Section 37.1 is amended by striking out “notwithstanding that from time to time the majority of the directors may not be appointed by the Lieutenant Governor in Council”.

Alberta Competitiveness Act

Repeals SA 2010 cA-14.9

4 The *Alberta Competitiveness Act* is repealed.

(9) Section 19.1 presently reads:

19.1(1) The Board may make resolutions relating to any matter or thing that pertains to the operation or business of the Corporation.

(2) A resolution made by the Board may be general or specific in its application.

(10) Section 20 presently reads:

20 There shall be a general meeting of the Corporation in each year.

(11) Section 21 presently reads in part:

21 The business of the Corporation is

(a) to provide local authorities that are its shareholders with financing for capital projects;

(b) to act as financial agent or otherwise for a local authority that is its shareholder in negotiating loans or refinancing securities of the local authority or in any other capacity authorized by the regulations;

(12) Section 35(a) presently reads:

35 The Lieutenant Governor in Council may make regulations,

(a) without limiting the generality of clause (b), for the purposes of sections 2.1(2) and (3), 8, 21, 27(1) and 34;

(13) Section 37.1 presently reads:

37.1 The Corporation is a Provincial corporation under the Financial Administration Act notwithstanding that from time to time the majority of the directors may not be appointed by the Lieutenant Governor in Council.

Alberta Competitiveness Act

4 Repeals chapter A-14.9 of the Statutes of Alberta, 2010.

Alberta Investment Management Corporation Act

Amends SA 2007 cA-26.5

5(1) The *Alberta Investment Management Corporation Act* is amended by this section.

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

- (c) “designated entity” means a person, including the Crown, designated under section 6(1);

(3) Section 6 is repealed and the following is substituted:

Designated entities

6(1) A person may be designated under an enactment or by order of the Minister as a person to whom the Corporation is to provide investment management services in respect of funds administered by that person.

(2) The Corporation shall provide investment management services to a designated entity in respect of specific funds administered by the designated entity, but shall not provide investment management services to any person not designated under subsection (1).

(3) Subject to subsection (4), investment management services must be provided to a designated entity in accordance with an investment management agreement or the terms and conditions provided for in the regulations, or both.

(4) If at any time there is no subsisting investment management agreement between the Corporation and a designated entity that is designated under an enactment, the Minister may by order specify the terms and conditions, subject to those provided for in the regulations, in accordance with which investment management services must be provided to the designated entity.

(5) An order under subsection (4) has effect until the Corporation and the designated entity enter into an investment management agreement.

Alberta Investment Management Corporation Act

5(1) Amends chapter A-26.5 of the Statutes of Alberta, 2007.

(2) Section 1 presently reads in part:

1 In this Act,

(c) “designated entity” means a person, including the Crown, designated by the Minister under section 6(3);

(3) Section 6 presently reads:

6(1) The Corporation shall provide investment management services to designated entities but shall not provide investment management services to any other person or entity or in respect of any fund not designated under subsection (3).

(2) The investment management services must be provided to the designated entities in accordance with an investment management agreement or terms and conditions provided for in the regulations, or both.

(3) The Minister may by order designate persons and the funds administered by them in respect of which the Corporation is to provide investment management services.

(4) Section 20(d) is amended by striking out “section 6(2)” and substituting “section 6(3)”.

Alberta Sport Connection Act

Dissolution of Alberta Sport Connection

6(1) Alberta Sport Connection is dissolved.

(2) On the coming into force of subsection (1), the following applies:

- (a) the property, assets, rights, obligations, liabilities, powers, duties and functions of Alberta Sport Connection become the property, assets, rights, obligations, liabilities, powers, duties and functions of the Crown in right of Alberta;
- (b) an existing cause of action, claim or liability to prosecution of, by or against Alberta Sport Connection is unaffected by the coming into force of this section and may be continued by or against the Crown in right of Alberta;
- (c) a civil, criminal or administrative action or proceeding pending by or against Alberta Sport Connection may be continued by or against the Crown in right of Alberta;
- (d) a ruling, order or judgment in favour of or against Alberta Sport Connection may be enforced by or against the Crown in right of Alberta.

(3) Subsection (2)(a) does not give rise to a termination right, remedy or penalty under the provisions of a contract, agreement, grant or endowment to which Alberta Sport Connection is a party immediately before the coming into force of this section, and such contracts, agreements, grants or endowments continue to have full effect as contracts, agreements, grants or endowments of the Crown in right of Alberta.

(4) Section 20 presently reads in part:

20 The Lieutenant Governor in Council may make regulations

(d) respecting terms and conditions for the purpose of section 6(2);

Alberta Sport Connection Act

6 Dissolution of Alberta Sport Connection.

(4) For greater certainty, subsection (2)(a) applies to all rights and obligations in respect of assets held in trust by Alberta Sport Connection.

Transitional regulations

7(1) The Lieutenant Governor in Council may make regulations

- (a) respecting the transition of any of the powers, duties and functions of Alberta Sport Connection on its dissolution;
- (b) to remedy any confusion, difficulty, inconsistency or impossibility resulting from the dissolution of Alberta Sport Connection.

(2) A regulation made under subsection (1) may be made retroactive to the extent set out in the regulation.

Repeals RSA 2000 cA-34

8 The *Alberta Sport Connection Act* is repealed.

Coming into force

9 Sections 6 to 8 have effect on March 31, 2020.

ATB Financial Act

Amends RSA 2000 cA-45.2

10(1) The *ATB Financial Act* is amended by this section.

(2) The following is added after section 11:

Business objectives

11.1 In carrying on its business, ATB Financial shall

- (a) manage its business in a commercial and cost-effective manner,
- (b) seek to earn risk-adjusted rates of return that are similar to or better than the returns of comparable financial institutions in both the short term and the long term, and
- (c) avoid an undue risk of loss by prudently managing its business, which includes establishing and implementing relevant plans, policies, standards and procedures.

7 Transitional regulations.

8 Repeals chapter A-34 of the Revised Statutes of Alberta 2000.

9 Coming into force.

ATB Financial Act

10(1) Amends chapter A-45.2 of the Revised Statutes of Alberta 2000.

(2) Business objectives.

(3) Section 24(1) is repealed and the following is substituted:

Duty of care

24(1) Every director and officer, in exercising powers and in discharging duties,

- (a) shall act honestly and in good faith,
- (b) shall act with a view to the best interests of ATB Financial, which shall include ensuring that ATB Financial meets its business objectives under section 11.1, and
- (c) shall exercise the care, diligence and skill that a reasonable and prudent person would exercise under comparable circumstances.

Auditor General Act

Amends RSA 2000 cA-46

11(1) The *Auditor General Act* is amended by this section.

(2) Section 1(1)(b)(iii.1) is repealed.

Conflicts of Interest Act

Amends RSA 2000 cC-23

12(1) The *Conflicts of Interest Act* is amended by this section.

(2) Section 23.92(1)(h)(iv.1) is repealed.

(3) Section 24(1) presently reads:

24(1) Every director and officer, in exercising powers and in discharging duties,

- (a) shall act honestly and in good faith and with a view to the best interests of ATB Financial, and*
- (b) shall exercise the care, diligence and skill that a reasonable and prudent person would exercise under comparable circumstances.*

Auditor General Act

11(1) Amends chapter A-46 of the Revised Statutes of Alberta 2000.

(2) Section 1(1)(b)(iii.1) presently reads:

1(1) In this Act,

- (b) “department” means a department as defined in section 1 of the Financial Administration Act and includes*
- (iii.1) the Election Commissioner and the staff of the Office of the Election Commissioner,*

Conflicts of Interest Act

12(1) Amends chapter C-23 of the Revised Statutes of Alberta 2000.

(2) Section 23.92(1)(h)(iv.1) presently reads:

23.92(1) In this Part,

- (h) “Office of the Legislature” means*
- (iv.1) the Office of the Election Commissioner,*

(3) The Schedule is amended

(a) in Part 2 by striking out the following:

8. The Election Commissioner under the *Election Act*

(b) in Part 3 by striking out the following:

Alberta Sport Connection

(4) Subsection (3)(b) has effect on March 31, 2020.

Election Act

Amends RSA 2000 cE-1

13(1) The *Election Act* is amended by this section.

(2) Section 1(1)(h.1) is amended by striking out “appointed under section 153.01” and substituting “appointed pursuant to the *Public Service Act*”.

(3) Section 4(7) is amended by adding “and the Election Commissioner’s” after “Chief Electoral Officer’s”.

(4) Section 5 is amended

(a) in subsection (1) by adding “and an Election Commissioner” after “Deputy Chief Electoral Officer”;

- (3) Parts 2 and 3 of the Schedule presently read in part:

*Part 2
Offices of the Legislature*

8. The Election Commissioner under the Election Act

*Part 3
Other Disqualifying Offices*

The office of chair or member of any of the following:

Alberta Sport Connection

- (4) Coming into force.

Election Act

13(1) Amends chapter E-1 of the Revised Statutes of Alberta 2000.

- (2) Section 1(1)(h.1) presently reads:

1(1) In this Act,

(h.1) “Election Commissioner” means the Election Commissioner appointed under section 153.01;

- (3) Section 4(7) presently reads:

(7) The Chief Electoral Officer shall after the end of each year prepare a report on the exercise of the Chief Electoral Officer’s functions under this Act, including any recommendations for amendments to this Act, and shall transmit the report to the Standing Committee on Legislative Offices, which shall, on its receipt, lay the report before the Assembly if it is then sitting or, if it is not then sitting, within 15 days after the commencement of the next sitting of the Assembly.

- (4) Section 5 presently reads in part:

5(1) There shall be a department of the public service of Alberta called the Office of the Chief Electoral Officer, consisting of the Chief Electoral Officer and those officers and employees, including

(b) by renumbering subsection (1.1) as subsection (1.3) and adding the following before subsection (1.3):

(1.1) For any period during which there is not an appointed Election Commissioner, the Chief Electoral Officer shall act as Election Commissioner.

(1.2) Whether or not there is an appointed Election Commissioner, the Chief Electoral Officer has all the powers, duties and functions of the Election Commissioner for the purposes of this Act, the *Election Finances and Contributions Disclosure Act*, the *Local Authorities Election Act* and the *Alberta Senate Election Act* and the Election Commissioner exercises or performs those powers, duties and functions subject to any restrictions, limitations or directions that the Chief Electoral Officer may specify.

(5) Section 5.1 is amended by renumbering it as section 5.1(1) and adding the following after subsection (1):

(2) No proceedings lie against the Election Commissioner, or against a person acting for or under the direction of the Election Commissioner, for anything done, or omitted to be done, in good faith in the exercise or performance or the intended exercise or performance of a power, duty or function under this Act, the *Election Finances and Contributions Disclosure Act*, the *Local Authorities Election Act* or the *Alberta Senate Election Act*.

(6) Section 134.2(2) and (3) are repealed and the following is substituted:

(2) If the Election Commissioner finds that a department or Provincial corporation has contravened section 134.1, the Election Commissioner may cause the advertisement or publication to be removed or discontinued, and in the case of an advertisement or publication displayed on a sign, poster or other similar format, neither the Election Commissioner nor any person acting under the Election Commissioner's instructions is liable for trespass or damage resulting from the removal of the advertisement or publication.

(3) If the Election Commissioner takes the action referred to in subsection (2), the Chief Electoral Officer may publish the particulars of the contravention.

a Deputy Chief Electoral Officer, appointed pursuant to the Public Service Act who are required to assist the Chief Electoral Officer in the administration of this Act.

(1.1) The Office of the Chief Electoral Officer may operate under the name "Elections Alberta".

(5) Section 5.1 presently reads:

5.1 No proceedings lie against the Chief Electoral Officer, or against a person acting for or under the direction of the Chief Electoral Officer, for anything done, or omitted to be done, in good faith in the exercise or performance or the intended exercise or performance of a power, duty or function under this Act, the Election Finances and Contributions Disclosure Act or the Alberta Senate Election Act.

(6) Section 134.2(2) and (3) presently read:

(2) If the Election Commissioner finds that a department or a Provincial corporation has contravened section 134.1, the Election Commissioner may do one or both of the following:

- (a) cause the advertisement or publication to be removed or discontinued, and in the case of an advertisement or publication displayed on a sign, poster or other similar format, neither the Election Commissioner nor any person acting under the Election Commissioner's instructions is liable for trespass or damage resulting from the removal of the advertisement or publication;*
- (b) publish the particulars of the violation.*

(4) If the Election Commissioner finds that a department or Provincial corporation has contravened section 134.1, the Chief Electoral Officer shall include the particulars of the violation in the Chief Electoral Officer's report under section 4(7).

(7) Sections 153.01 and 153.02 are repealed.

(3) If the Election Commissioner finds that a department or a Provincial corporation has contravened section 134.1, the Election Commissioner shall include the particulars of the violation in the Election Commissioner's report under section 153.092.

(7) Sections 153.01 and 153.02 presently read:

153.01(1) There shall be appointed pursuant to this Act an Election Commissioner.

(2) The Election Commissioner is an officer of the Legislature.

153.02(1) Subject to subsection (2), the Lieutenant Governor in Council shall appoint the Election Commissioner on the recommendation of the Assembly.

(2) If a vacancy occurs while the Legislature is not in session, the Lieutenant Governor in Council, on the recommendation of the Standing Committee, may appoint an Election Commissioner to fill the vacancy, and unless that office sooner becomes vacant, the person so appointed holds office until an Election Commissioner is appointed under subsection (1), but if an appointment under subsection (1) is not made within 30 days after the commencement of the next session, the appointment under this subsection lapses and there is deemed to be another vacancy in the office of Election Commissioner.

(3) Except as provided in subsections (4) and (5), the Election Commissioner holds office for a term not exceeding 5 years and is eligible for reappointment.

(4) The Lieutenant Governor in Council, on an address of the Assembly, may suspend or remove the Election Commissioner from office for cause or incapacity.

(5) If the Legislature is not then sitting, the Lieutenant Governor in Council may suspend the Election Commissioner from office for cause or incapacity proved to the satisfaction of the Lieutenant Governor in Council, but the suspension shall not continue in force beyond the end of the next sitting of the Legislature.

(6) The Election Commissioner may resign that office by filing a written notice with the Speaker of the Assembly or, if there is no Speaker or the Speaker is absent from Alberta, with the Clerk of the Assembly.

(8) Section 153.03 is amended

- (a) in subsection (1) by striking out “Office of the”;**
- (b) in subsection (2) by striking out “the Speaker of the Legislative Assembly or the Clerk of the Assembly” and substituting “the Chief Electoral Officer”.**

(9) Sections 153.04 to 153.08 are repealed.

(8) Section 153.03 presently reads:

153.03(1) Before beginning the duties of office, the Election Commissioner shall take an oath to perform the duties of the office faithfully and impartially and, except as provided in this Act or the Election Finances and Contributions Disclosure Act, not to disclose any information received by the Office of the Election Commissioner under this or any other Act.

(2) The oath referred to in subsection (1) shall be administered by the Speaker of the Legislative Assembly or the Clerk of the Assembly.

(9) Sections 153.04 to 153.08 presently read:

153.04(1) There shall be a department of the public service of Alberta called the Office of the Election Commissioner, consisting of the Election Commissioner and those officers and employees appointed pursuant to the Public Service Act who are required to assist the Election Commissioner in carrying out the duties and functions of the Election Commissioner under this Act and the Election Finances and Contributions Disclosure Act.

(2) On the recommendation of the Election Commissioner, the Standing Committee may order that

- (a) any regulation, order or directive made under the Financial Administration Act,*
- (b) any regulation, order, directive, rule, procedure, direction, allocation, designation or other decision under the Public Service Act, or*
- (c) any regulation, order, determination, direction or other decision under the Public Sector Compensation Transparency Act*

be inapplicable to, or be varied in respect of, the Office of the Election Commissioner or any particular employee or class of employees in the Office of the Election Commissioner.

(3) An order made under subsection (2)(a) in relation to a regulation, order or directive made under the Financial Administration Act operates notwithstanding that Act.

(4) An order made under subsection (2)(c) in relation to a regulation, order, determination, direction or other decision under the Public Sector Compensation Transparency Act operates notwithstanding that Act.

(5) The Regulations Act does not apply to orders made under subsection (2).

(6) The chair of the Standing Committee shall lay a copy of each order made under subsection (2) before the Assembly if it is then sitting or, if it is not then sitting, within 15 days after the commencement of the next sitting.

153.05 No proceedings lie against the Election Commissioner, or against a person acting for or under the direction of the Election Commissioner, for anything done, or omitted to be done, in good faith in the exercise or performance or the intended exercise or performance of a power, duty or function under this Act, the Election Finances and Contributions Disclosure Act or the Local Authorities Election Act.

153.06 The salary of the Election Commissioner shall be in an amount fixed by the Standing Committee at the time of appointment, and shall be reviewed at least once a year by the Standing Committee.

153.07(1) The Election Commissioner shall submit to the Standing Committee in respect of each fiscal year an estimate of the sum that will be required to be provided by the Legislature to defray the various charges and expenses of the Office of the Election Commissioner in that fiscal year.

(2) The Standing Committee shall review each estimate submitted pursuant to subsection (1) and, on completion of the review, the chair of the Committee shall present the estimate to the President of Treasury Board, Minister of Finance for presentation to the Assembly.

(3) If at any time the Legislative Assembly is not in session, the Standing Committee, or if there is no Standing Committee, the President of Treasury Board, Minister of Finance,

(a) reports that the Election Commissioner has certified that in the public interest an expenditure of public money is urgently required in respect of any matter pertaining to the Office of the Election Commissioner, and

(b) reports that either

- (i) there is no supply vote under which an expenditure with respect to that matter may be made, or*
- (ii) there is a supply vote under which an expenditure with respect to that matter may be made but the authority available under the supply vote is insufficient,*

the Lieutenant Governor in Council may order a special warrant to be prepared to be signed by the Lieutenant Governor authorizing the expenditure of the amount estimated to be required.

(4) When the Legislative Assembly is adjourned for a period of more than 14 days, then, for the purposes of subsection (3), the Assembly is deemed not to be in session during the period of the adjournment.

(5) When a special warrant is prepared and signed under subsection (3) on the basis of a report referred to in subsection (3)(b)(i), the authority to spend the amount of money specified in the special warrant for the purpose specified in the special warrant is deemed to be a supply vote for the purposes of the Financial Administration Act.

(6) When a special warrant is prepared and signed under subsection (3) on the basis of a report referred to in subsection (3)(b)(ii), the authority to spend the amount of money specified in the special warrant is, for the purposes of the Financial Administration Act, added to and deemed to be part of the supply vote to which the report relates.

(7) When a special warrant has been prepared and signed pursuant to this section, the amounts authorized by it are deemed to be included in, and not to be in addition to, the amounts authorized by the Act, not being an Act for interim supply, enacted next after it for granting to Her Majesty sums of money to defray certain expenditures of the Public Service of Alberta.

153.08 On the recommendation of the Election Commissioner, the Standing Committee may, subject to section 153, make an order

- (a) respecting the management of records in the custody or under the control of the Office of the Election Commissioner, including their creation, handling, control, organization, retention, maintenance, security, preservation, disposition,*

(10) Section 153.092 is amended

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

Annual report

153.092(1) The Election Commissioner shall after the end of each year prepare a report on the exercise of the Election Commissioner's functions under this Act, the *Election Finances and Contributions Disclosure Act*, the *Local Authorities Election Act* and the *Alberta Senate Election Act* and shall provide the report to the Chief Electoral Officer.

(b) in subsection (2)

- (i) in clause (b) by striking out** “the *Election Finances and Contributions Disclosure Act* and the *Local Authorities Election Act* and,” **and substituting** “the *Election Finances and Contributions Disclosure Act*, the *Local Authorities Election Act* and the *Alberta Senate Election Act* and,”;
- (ii) in clause (c) by striking out** “this Act or the *Election Finances and Contributions Disclosure Act* and,” **and substituting** “this Act, the *Election Finances and Contributions Disclosure Act*, the *Local Authorities Election Act* and the *Alberta Senate Election Act* and,”;
- (iii) in clause (d) by striking out** “the *Election Finances and Contributions Disclosure Act* and the *Local Authorities Election Act* and,” **and substituting** “the *Election Finances and Contributions Disclosure Act*, the *Local Authorities Election Act* and the *Alberta Senate Election Act* and,”;

alienation and destruction and their transfer to the Provincial Archives of Alberta;

- (b) establishing or governing the establishment of programs for any matter referred to in clause (a);*
- (c) defining and classifying records;*
- (d) respecting the records or classes of records to which the order or any provision of it applies.*

(10) Section 153.092 presently reads in part:

153.092(1) The Election Commissioner shall after the end of each year prepare a report on the exercise of the Election Commissioner's functions under this Act, the Election Finances and Contributions Disclosure Act and the Local Authorities Election Act, and shall transmit the report to the Standing Committee on Legislative Offices, which shall on its receipt lay the report before the Assembly if it is then sitting or, if it is not then sitting, within 15 days after the commencement of the next sitting of the Assembly.

(2) The annual report must set out the following in respect of the previous year:

- (b) the number of investigations commenced pursuant to this Act, the Election Finances and Contributions Disclosure Act and the Local Authorities Election Act and, with respect to each investigation,*
 - (i) the nature of the act or omission giving rise to the investigation,*
 - (ii) the outcome of the investigation, including any findings and decisions of the Election Commissioner, and*
 - (iii) if the Election Commissioner recommends a prosecution be instituted, the outcome of the prosecution, including any fine imposed;*
- (c) the number of compliance agreements entered into pursuant to this Act or the Election Finances and Contributions Disclosure Act and, with respect to each compliance agreement, the nature of the act or omission giving rise to the compliance agreement;*

(iv) **in clause (e) by striking out** “the Act or the *Election Finances and Contributions Disclosure Act* and,” **and substituting** “this Act, the *Election Finances and Contributions Disclosure Act*, the *Local Authorities Election Act* and the *Alberta Senate Election Act* and,”;

(c) **by repealing subsection (3) and substituting the following:**

(3) Where, in the opinion of the Chief Electoral Officer, it is in the public interest to do so, the Chief Electoral Officer shall publish a special report on the Chief Electoral Officer’s website relating to any matter within the scope of the Election Commissioner’s responsibilities under this Act, the *Election Finances and Contributions Disclosure Act*, the *Local Authorities Election Act* or the *Alberta Senate Election Act*, including a report referring to and commenting on any particular matter investigated by the Election Commissioner.

(11) The following is added after section 153.092:

Transitional provisions

153.093(1) The Office of the Election Commissioner is dissolved.

(2) On the coming into force of subsection (1), the following applies:

- (a) the property, assets, rights, obligations, liabilities, powers, duties and functions of the Office of the Election Commissioner become the property, assets, rights, obligations, liabilities, powers, duties and functions of the Office of the Chief Electoral Officer;
- (b) the records in the custody or under the control of the Office of the Election Commissioner are transferred to the custody and control of the Office of the Chief Electoral Officer;
- (c) an existing cause of action, claim or liability to prosecution of, by or against the Office of the Election Commissioner is unaffected by the coming into force of

- (d) *the number of injunctions sought by the Election Commissioner under this Act, the Election Finances and Contributions Disclosure Act and the Local Authorities Election Act and, with respect to each injunction, the nature of the act or omission giving rise to the injunction;*
 - (e) *the number of administrative penalties imposed or letters of reprimand issued under the Act or the Election Finances and Contributions Disclosure Act and, with respect to each administrative penalty or letter of reprimand, the nature of the act or omission giving rise to the administrative penalty or letter of reprimand;*
- (3) *Where, in the opinion of the Election Commissioner, it is in the public interest to do so, the Election Commissioner shall publish a special report on the Election Commissioner's website relating to any matter within the scope of the Election Commissioner's responsibilities under this Act, the Election Finances and Contributions Disclosure Act or the Local Authorities Election Act, including a report referring to and commenting on any particular matter investigated by the Election Commissioner.*
- (11) Transitional provisions.

this section and may be continued by or against the Office of the Chief Electoral Officer;

- (d) a civil, criminal or administrative action or proceeding pending by or against the Office of the Election Commissioner may be continued by or against the Office of the Chief Electoral Officer;
- (e) a ruling, order or judgment in favour of or against the Office of the Election Commissioner may be enforced by or against the Office of the Chief Electoral Officer;
- (f) an investigation commenced by the Election Commissioner under section 153.09 of this Act or section 44.95 of the *Election Finances and Contributions Disclosure Act* before the coming into force of this section may be continued by the person who holds the position of Election Commissioner.

(3) Subsection (2)(a) does not give rise to a termination right, remedy or penalty under the provisions of a contract, agreement, grant or endowment to which the Office of the Election Commissioner is a party immediately before the coming into force of this section, and such contracts, agreements, grants or endowments continue to have full effect as contracts, agreements, grants or endowments of the Office of the Chief Electoral Officer.

(4) For greater certainty, subsection (2)(a) applies to all rights and obligations in respect of assets held in trust by the Office of the Election Commissioner.

(5) Any employment contract between the Legislative Assembly of Alberta and the person who, immediately before the coming into force of this section, held the office of Election Commissioner under this Act is terminated on the coming into force of this section.

(6) The person who, immediately before the coming into force of this section, held the office of Election Commissioner under this Act may be appointed by the Chief Electoral Officer as the Election Commissioner pursuant to the *Public Service Act*.

(7) If the person who, immediately before the coming into force of this section, held the office of Election Commissioner under this Act is not appointed as the Election Commissioner pursuant to the *Public Service Act*, the person shall be provided 6 months' base salary as compensation for termination of the employment contract referred to in subsection (5).

(8) Every person who, immediately before the coming into force of this section, was employed by the Office of the Election Commissioner is deemed, on the coming into force of this section, to be an employee of the Office of the Chief Electoral Officer.

(9) Any unexpended balance of the appropriation for the Office of the Election Commissioner for the 2019-2020 fiscal year under a supply vote, as defined in the *Financial Administration Act*, is transferred to the Office of the Chief Electoral Officer on the later of the day on which the supply vote has effect and the day on which this section comes into force.

(10) Neither the enactment or application of this section nor changes to the compensation that is payable to any person as a result of any provision of this section shall be considered constructive dismissal or breach of contract.

(11) No cause of action or proceeding lies or shall be commenced against the Crown or any of its ministers, agents, appointees or employees, or against the Legislative Assembly, the Speaker of the Legislative Assembly, the Legislative Assembly Office or the Chief Electoral Officer or any of its agents, appointees or employees

(a) as a direct or indirect result of the enactment of this section, or

(b) as a direct or indirect result of anything done or omitted to be done in order to comply with this section, including any denial or reduction of compensation that would otherwise have been payable to any person.

(12) Without limiting the generality of subsection (11), that subsection applies to an action or proceeding in contract, restitution, tort, trust, fiduciary obligation or otherwise claiming any remedy or relief, including

- (a) specific performance, injunction or declaratory relief, and
- (b) any form of damages or a claim to be compensated for any losses, including loss of earnings, loss of revenue or loss of profit.

(13) Notwithstanding any other law, no person is entitled to be compensated for any loss or damages, including loss of expected earnings or denial or reduction of compensation that would otherwise have been payable to any person, arising from the enactment or application of this section or anything done in accordance with this section.

(14) The Office of the Chief Electoral Officer shall disclose a statement of remuneration under section 3 of the *Public Sector Compensation Transparency Act* for the Office of the Election Commissioner in relation to the entire calendar year in which this section comes into force, notwithstanding that the Office of the Election Commissioner was dissolved during that calendar year.

(15) If the disclosure is made under subsection (14), the obligation under section 3(5.1) of the *Public Sector Compensation Transparency Act* does not apply.

(12) Section 153.7 is amended

- (a) **by striking out** “Election Commissioner” **and substituting** “Chief Electoral Officer”;
- (b) **by striking out** “Election Commissioner’s website” **and substituting** “Chief Electoral Officer’s website”.

(13) Section 163.1(1) is repealed and the following is substituted:

Consent to prosecute

163.1(1) No prosecution shall be instituted under this Act without the consent of

- (a) the Election Commissioner before the coming into force of section 153.093(1) or
- (b) the Chief Electoral Officer after the coming into force of section 153.093(1).

(12) Section 153.7 presently reads:

153.7 The Election Commissioner may publish a notice on the Election Commissioner's website that sets out the contracting party's name, the act or omission in question and a summary of the compliance agreement.

(13) Section 163.1(1) presently reads:

163.1(1) No prosecution shall be instituted under this Act without the consent of the Election Commissioner.

(14) Section 206.1 is amended

- (a) in subsection (1) by striking out** “is or was employed or engaged by the Office of the Election Commissioner” **and substituting** “was employed or engaged by the Office of the Election Commissioner”;
- (b) in subsection (3) by striking out** “Election Commissioner’s website” **and substituting** “Chief Electoral Officer’s website”.

(15) Section 207 is amended

- (a) by renumbering it as section 207(1);**
- (b) in subsection (1) by adding the following after clause (d):**
 - (d.1) respecting the transition of any of the powers, duties and functions of the Office of the Election Commissioner on its dissolution;
 - (d.2) to remedy any confusion, difficulty, inconsistency or impossibility resulting from the dissolution of the Office of the Election Commissioner;
- (c) by adding the following after subsection (1):**
 - (2)** A regulation made under subsection (1)(d.1) or (d.2) may be made retroactive to the extent set out in the regulation.

(14) Section 206.1 presently reads in part:

206.1(1) Except as provided in subsections (2) and (3), the Chief Electoral Officer, the Election Commissioner, any former Chief Electoral Officer, any former Election Commissioner, every person who is or was employed or engaged by the Office of the Chief Electoral Officer to carry out the duties of the Chief Electoral Officer and every person who is or was employed or engaged by the Office of the Election Commissioner to carry out the duties of the Election Commissioner shall maintain the confidentiality of all information, complaints and allegations that come to their knowledge.

(3) Findings and decisions, and any additional information that the Election Commissioner considers to be appropriate, shall be published on the Election Commissioner's website in the following circumstances:

- (a) if an administrative penalty is imposed or a letter of reprimand is issued under section 153.1;*
- (b) if the Election Commissioner has provided notice under section 153.091(4) and receives a written request for disclosure from a person or organization who received the notice.*

(15) Section 207 presently reads:

207 The Lieutenant Governor in Council may make regulations

- (c) respecting forms for the purposes of this Act;*
- (d) prescribing oaths to be used;*
- (e) governing any necessary matter for which no provision is made in this Act.*

Election Finances and Contributions Disclosure Act

Amends RSA 2000 cE-2

14(1) The *Election Finances and Contributions Disclosure Act* is amended by this section.

(2) Section 1(1) is amended

(a) by repealing clause (f.01) and substituting the following:

(f.01) “Election Commissioner” means the Election Commissioner as defined in the *Election Act*;

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

(k.1) “predecessor party” means a party that has merged with one or more registered parties to form a successor party and whose registration has been cancelled under section 11.3(c);

(c) by adding the following after clause (o):

(o.1) “registered predecessor party” means a registered party that is merging or intends to merge with one or more registered parties to form a successor party;

(o.2) “registered successor party” means a successor party registered under this Act;

(o.3) “successor party” means a party formed by the merger of 2 or more registered predecessor parties;

(3) Section 4(1) is amended

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

(i.1) registered successor parties, predecessor parties and constituency associations of predecessor parties,

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

(d.1) with respect to a registered successor party, a predecessor party and a constituency association of a predecessor party, shall publish the financial statements

Election Finances and Contributions Disclosure Act

14(1) Amends chapter E-2 of the Revised Statutes of Alberta 2000.

(2) Section 1(1)(f.01) presently reads:

1(1) In this Act,

(f.01) “Election Commissioner” means the Election Commissioner appointed under the Election Act;

(3) Section 4(1) presently reads in part:

4(1) The Chief Electoral Officer, in addition to the Chief Electoral Officer’s other powers and duties under this Act, the Election Act and the Alberta Senate Election Act,

(b) may inquire into the financial affairs and records of

(i) registered parties and registered constituency associations,

(d) with respect to a registered party and a registered constituency association shall publish the financial

required to be filed with the Chief Electoral Officer under section 11.6;

(4) Section 5 is amended by adding the following after subsection (3):

(4) A registered successor party shall, within 30 days after receiving a written request from the Chief Electoral Officer or within an extended period that the Chief Electoral Officer may determine, provide any information with respect to the financial affairs of the registered successor party, any of its predecessor parties or a constituency association of any of its predecessor parties that is reasonably required by the Chief Electoral Officer in the course of the Chief Electoral Officer's duties under this Act.

(5) Section 5.2 is amended

- (a) **in subsection (1) by striking out** “is or was employed by the Office of the Election Commissioner” **and substituting** “was employed by the Office of the Election Commissioner”;
- (b) **in subsection (3) by striking out** “Election Commissioner's website” **and substituting** “Chief Electoral Officer's website”.

statements required to be filed with the Chief Electoral Officer under section 42;

(4) Section 5(3) presently reads:

(3) A registered party, registered constituency association, registered candidate, registered nomination contestant, registered leadership contestant or registered third party shall, within 30 days after receiving a written request from the Chief Electoral Officer or within an extended period that the Chief Electoral Officer may determine, provide any information with respect to the financial affairs of the registered party, registered constituency association, registered candidate, registered nomination contestant, registered leadership contestant or registered third party that is reasonably required by the Chief Electoral Officer in the course of the Chief Electoral Officer's duties under this Act.

(5) Section 5.2 presently reads in part:

5.2(1) Except as provided in subsections (2) and (3), the Chief Electoral Officer, the Election Commissioner, any former Chief Electoral Officer, any former Election Commissioner, every person who is or was employed or engaged by the Office of the Chief Electoral Officer to carry out the duties of the Chief Electoral Officer and every person who is or was employed by the Office of the Election Commissioner to carry out the duties of an Election Commissioner shall maintain the confidentiality of all information, complaints and allegations that come to their knowledge.

(3) Findings and decisions, and any additional information that the Election Commissioner considers to be appropriate, shall be published on the Election Commissioner's website in the following circumstances:

- (a) subject to section 51.02(2), if an administrative penalty is imposed or a letter of reprimand is issued under section 51 or 51.01;*
- (b) if the Election Commissioner has provided notice under section 44.97(4) and receives a written request for disclosure from a person or organization who received the notice.*

(6) Section 6 is amended

(a) by adding the following after subsection (3):

(3.1) Despite subsection (3), the Chief Electoral Officer may register a successor party if the Chief Electoral Officer is satisfied that prior to filing an application for registration as a registered successor party, the party has

- (a) established a new foundation for the successor party, or
- (b) continued a foundation of a predecessor party of the successor party as the foundation of the successor party.

(b) in subsection (4) by adding “or established or continued under subsection (3.1)” after “subsection (3)”.

(7) Section 7(3) is amended by striking out “or” at the end of clause (a.1) and adding the following after clause (a.1):

- (a.2) other than in relation to the registration of a successor party, the proposed name was the name of any registered predecessor party or so nearly resembles the name or the abbreviation of the name of any registered predecessor party as to be likely to be confused with the name or the abbreviation of the name of that registered predecessor party, or

(8) Section 10 is amended

(a) by adding the following after subsection (1.1):

(1.2) For the purposes of subsection (1.1), a registered successor party is deemed to have endorsed a candidate in a general election if a registered predecessor party of the registered successor party endorsed a candidate in the general election.

(6) Section 6 presently reads in part:

(3) A political party shall not be registered under this Act unless the Chief Electoral Officer is satisfied that prior to filing an application for registration the party has established a non-profit corporation or trust as a foundation for the purposes of receiving and managing the assets, except the premises, equipment, supplies and other such property required for the administration of the affairs of the party, held by the political party immediately prior to filing the application.

(4) The assets of a foundation established under subsection (3) shall consist of funds, not exceeding \$5000, either on deposit with a financial institution or invested in accordance with the Trustee Act.

(7) Section 7(3) presently reads:

(3) The Chief Electoral Officer shall not register a political party if, in the Chief Electoral Officer's opinion,

(a) the name or the abbreviation of the name of the applying party so nearly resembles the name or abbreviation of the name of a registered party as to be likely to be confused with the name or abbreviation of that registered party,

(a.1) the proposed name was the name of a registered political party whose registration was cancelled or whose name was changed since the last general election, or

(b) the proposed name or abbreviation is unacceptable to the Chief Electoral Officer for any other reason.

(8) Section 10 presently reads in part:

(1.1) If a registered party does not endorse a candidate in a general election, the Chief Electoral Officer shall cancel the registration of that party unless that registered party had endorsed a candidate at the most recent election under the Alberta Senate Election Act.

(3) If the chief financial officer of a registered party or registered constituency association fails to comply with section 32, 42 or 43, the Chief Electoral Officer may cancel the registration of the registered party or constituency association, as the case may be.

(b) by adding the following after subsection (3):

(3.1) If the chief financial officer of a registered successor party fails to comply with section 11.6, the Chief Electoral Officer may cancel the registration of the registered successor party.

(c) by adding the following after subsection (11):

(11.01) When the registration of a registered successor party is cancelled under subsection (3.1) for failure to comply with section 11.6, the successor party may not apply for registration again until the financial statements required by section 11.6 that were not filed have been filed with the Chief Electoral Officer and the late filing fee has been paid in accordance with section 43.2.

(d) by adding the following after subsection (12):

(12.1) Subsection (12) does not apply to the funds of a constituency association referred to in section 11.4(1)(a) and (2).

(9) Section 10.1 is amended by renumbering it as section 10.1(1) and adding the following after subsection (1):

(2) On the registration of a successor party,

- (a) the records of its predecessor parties become the records of the registered successor party, and
- (b) the records of the constituency associations of its predecessor parties become the records of the registered successor party

and the registered successor party shall retain all records for a period of 3 years following the date on which the financial statements, returns or reports required under this Act for the period to which the records relate are required to be filed.

(11) When the registration of a political party or constituency association is cancelled under subsection (3) for failure to comply with section 42 or 43, it may not again apply for registration until the financial statements required by section 42 or the campaign return required by section 43, as the case may be, that was not filed has been filed with the Chief Electoral Officer and the late filing fee has been paid in accordance with section 43.2.

(12) When the registration of a political party, constituency association, candidate, nomination contestant or leadership contestant is cancelled, all funds of the political party, constituency association, candidate, nomination contestant or leadership contestant not required to pay the outstanding debts of the political party, constituency association, candidate, nomination contestant or leadership contestant shall be paid over to the Chief Electoral Officer and held by the Chief Electoral Officer in trust for the political party, constituency association, candidate, nomination contestant or leadership contestant and, if that political party, constituency association, candidate, nomination contestant or leadership contestant does not again become registered under this Act within a period of one year following cancellation of the registration, the funds shall be paid into the General Revenue Fund.

(9) Section 10.1 presently reads:

10.1 A registered party, registered constituency association, registered candidate, registered nomination contestant, registered leadership contestant and registered third party shall retain all of the records of that registered party, registered constituency association, registered candidate, registered nomination contestant, registered leadership contestant or registered third party for a period of 3 years following the date on which the financial statements, returns or reports required under this Act for the period to which the records relate are required to be filed.

(10) The following is added after section 11:

Part 2.1 Registration of Successor Party

Application for registration of successor party

11.1(1) A successor party may, at any time other than during the campaign period for a general election, apply to the Chief Electoral Officer for registration under section 7.

(2) An application for registration of a successor party must be filed with the Chief Electoral Officer in accordance with section 7(1) and must also

- (a) be signed by the leader and one principal officer of each of the registered predecessor parties of the successor party, and
- (b) be accompanied by resolutions approving the merger passed by each of the registered predecessor parties of the successor party.

Registration for eligible successor parties

11.2(1) For the purposes of section 7(2), a successor party is not entitled to be registered if

- (a) the successor party is not eligible for registration under this Act, or
- (b) a registered predecessor party of the successor party has not discharged its obligations under this Act, including obligations to file financial statements and campaign returns and to maintain valid and up-to-date information respecting registration.

(2) A successor party may be registered under the name of one of its registered predecessor parties.

Effect of registration of successor party

11.3 On the registration of a successor party,

- (a) the registered successor party is the successor of each of its predecessor parties,

(10) Part 2.1, Registration of Successor Party.

- (b) the registered successor party becomes a registered party,
- (c) the registration of each registered predecessor party is cancelled, and
- (d) the registered successor party is responsible for the obligations of its predecessor parties and the constituency associations of its predecessor parties to file financial statements and campaign returns for any period before the registration of the registered successor party.

Constituency associations

11.4(1) Despite section 10(10), a registered successor party shall, in respect of each electoral division in which a constituency association was registered by a registered predecessor party, apply to the Chief Electoral Officer under section 8 to register as the constituency association of the registered successor party,

- (a) a constituency association of a predecessor party, or
- (b) a new constituency association.

(2) The registered successor party shall apply to the Chief Electoral Officer under section 10 for cancellation of the registration of the constituency associations of its predecessor parties that are not to be registered as constituency associations of the registered successor party.

Transfers

11.5(1) Despite anything to the contrary in this Act, a registered predecessor party may transfer funds or real property, or the use of real property, to its successor party after the successor party has filed with the Chief Electoral Officer an application for registration as a registered successor party.

(2) Despite section 6(5), the funds held by a foundation established by a registered predecessor party may be transferred to the foundation established or continued by its successor party in accordance with the following conditions:

- (a) the assets of the foundation established or continued by the successor party shall not exceed \$5000;
- (b) any funds remaining in the foundation established by the registered predecessor party that would cause the assets of

the foundation established or continued by the successor party to exceed \$5000 shall be transferred to the registered successor party.

(3) A constituency association referred to in section 11.4(2) and the chief financial officer of such a constituency association shall transfer the following to the registered successor party within 6 months after the registration of the successor party:

- (a) all funds not required to pay the outstanding debts of the constituency association;
- (b) the real property, or the use of the real property, of the constituency association.

(4) A transfer under this section

- (a) shall be recorded as to source and amount, and any funds transferred shall be deposited in an appropriate account on record with the Chief Electoral Officer, and
- (b) is not a contribution for the purposes of this Act.

Financial statements

11.6 Within 6 months after the registration of a successor party, the chief financial officer of the registered successor party shall file with the Chief Electoral Officer

- (a) in respect of each of its registered predecessor parties, the documents referred to in section 42(1)(a) for
 - (i) the portion of the year that ends on the day before the date of the registration of the successor party, and
 - (ii) any earlier year for which those documents have not been provided,
- (b) in respect of each of the constituency associations of each of its registered predecessor parties, the documents referred to in section 42(1)(b) for
 - (i) the portion of the year that ends on the day before the date of the registration of the successor party, and

- (ii) any earlier year for which those documents have not been provided,

and

- (c) in respect of the registered successor party, an audited financial statement, in the form and manner approved by the Chief Electoral Officer, setting out the assets and liabilities, including any surplus or deficit, at the date of the registration of the successor party.

(11) Section 12 is amended

- (a) in subsection (3) by striking out “or” at the end of clause (c) and adding the following after clause (c):**

- (c.1) the registered successor party or the registered constituency associations or registered candidates of the registered successor party, if the candidate’s registration was proposed or supported by a registered predecessor party of the registered successor party at the previous election, or

- (b) in subsection (4) by striking out “or” at the end of clause (b), adding “or” at the end of clause (c) and adding the following after clause (c):**

- (d) the registered successor party or the registered constituency associations or registered candidates of the registered successor party, if the candidate’s registration was proposed or supported by a registered predecessor party of the registered successor party at the previous election,

(11) Section 12 presently reads in part:

(3) Funds held in trust under subsection (1) may, at the option of the candidate, be transferred or paid from time to time to

- (a) the registered party that proposed or supported the candidate's registration at the previous election,*
- (b) the registered constituency associations of the registered party that proposed or supported the candidate's registration at the previous election,*
- (c) the registered candidates of the registered party that proposed or supported the candidate's registration at the previous election, or*
- (d) the Crown in right of Alberta if the funds cannot be transferred in accordance with clause (a), (b) or (c).*

(4) If a candidate is not nominated or does not declare the candidate's candidacy as an independent candidate for the next election, the candidate shall, not later than 7 days after the day fixed for nominations, transfer or pay the amount held by the candidate in trust pursuant to subsection (1) to

- (a) the registered party that proposed or supported the candidate's registration at the previous election,*
- (b) the registered constituency associations of the registered party that proposed or supported the candidate's registration at the previous election, or*
- (c) the registered candidates of the registered party that proposed or supported the candidate's registration at the previous election,*

(12) The following is added after section 21.1:

Contributions to predecessor party

21.2(1) Any contribution made to a predecessor party after the registration of its successor party as a successor party must not be used or expended, and the registered successor party of the predecessor party

- (a) shall return the contribution to the contributor if the contributor's identity can be established, or
- (b) shall pay to the Chief Electoral Officer an amount equivalent to the contribution if the contributor's identity cannot be established.

(2) Any amounts received by the Chief Electoral Officer under subsection (1)(b) must be paid into the General Revenue Fund.

(13) Section 43.2 is amended

(a) in subsection (1) by striking out “section 42” and substituting “section 11.6 or 42”;

(b) by adding the following after subsection (2):

(2.1) A registered successor party that is required to file a financial statement under section 11.6 and fails to file that document by the filing deadline must pay a late filing fee of \$500 to the Chief Electoral Officer.

(c) in subsection (3)

- (i) by adding “, registered successor party” after “the registered party”;**
- (ii) by striking out “section 42” and substituting “section 11.6 or 42”;**

(d) in subsection (5)

- (i) by adding “or (2.1)” after “subsection (2)”;**

at the option of the candidate, or to the Crown in right of Alberta if the funds cannot be transferred in accordance with clause (a), (b) or (c).

(12) Contributions to predecessor party.

(13) Section 43.2 presently reads in part:

43.2(1) In this section, “filing deadline” means the day by which a financial statement referred to in section 42 is required to be filed with the Chief Electoral Officer or the date by which a return referred to in section 43, 43.01, 43.02 or 43.1 is required to be filed with the Chief Electoral Officer.

(2) A registered party, registered constituency association, registered candidate, registered nomination contestant or registered leadership contestant that is required to file a financial statement under section 42 or a return under section 43, 43.01, 43.02 or 43.1, and fails to file that document by the filing deadline must pay a late filing fee of \$500 to the Chief Electoral Officer.

(3) The Chief Electoral Officer shall not cancel the registration of the registered party or registered constituency association under section 10(3) if the financial statement or return is filed in the case of a financial statement referred to in section 42 or a return referred to in section 43, no later than 30 days after the filing deadline.

(5) The following persons are jointly and severally liable for payment of the fee referred to in subsection (2):

(ii) by adding the following after clause (a):

- (a.1) in the case of a registered successor party, the registered successor party and the chief financial officer of the registered successor party;

(14) Section 44.95 is amended by adding the following after clause (a)(i):

- (i.1) registered successor parties, predecessor parties and constituency associations of predecessor parties;

(15) Section 48 is amended by repealing subsections (1) and (2) and substituting the following:

Failure to provide financial statements and returns

48(1) The chief financial officer of a registered party, registered successor party, registered constituency association or registered candidate who contravenes section 11.6, 42 or 43 is guilty of an offence and liable to a fine of not more than \$1000.

(2) When any contravention of section 11.6, 42 or 43 is committed by a chief financial officer of a registered party, registered successor party, registered constituency association or registered candidate, the political party or constituency association or candidate for which the chief financial officer acts is also guilty of an offence and liable,

- (a) in the case of a registered party or registered successor party, to a fine of not more than \$5000, and
- (b) in the case of a registered constituency association or registered candidate, to a fine of not more than \$1000.

- (a) *in the case of a registered party, the registered party and the chief financial officer of the registered party;*
- (b) *in the case of a registered constituency association, the registered constituency association and the chief financial officer of the registered constituency association;*
- (c) *in the case of a registered candidate, registered nomination contestant or registered leadership contestant, the registered candidate, registered nomination contestant or registered leadership contestant and the chief financial officer of the registered candidate, registered nomination contestant or registered leadership contestant.*

(14) Section 44.95 presently reads in part:

44.95 The Election Commissioner, in addition to the Election Commissioner's powers and duties under the Election Act,

- (a) *may conduct periodic investigations of the financial affairs and records of*
 - (i) *registered parties and registered constituency associations,*

(15) Section 48 presently reads in part:

48(1) The chief financial officer of a registered party, registered constituency association or registered candidate who contravenes section 42 or 43 is guilty of an offence and liable to a fine of not more than \$1000.

(2) When any contravention of section 42 or 43 is committed by a chief financial officer of a registered party, registered constituency association or registered candidate, the political party or constituency association or candidate for which the chief financial officer acts is also guilty of an offence and liable,

- (a) *in the case of a registered party, to a fine of not more than \$5000, and*
- (b) *in the case of a registered constituency association or registered candidate, to a fine of not more than \$1000.*

(16) Section 48.2 is amended by adding “registered successor party,” after “registered party,”.

(17) Section 51.07 is amended

- (a) by striking out “Election Commissioner” and substituting “Chief Electoral Officer”;**
- (b) by striking out “Election Commissioner’s website” and substituting “Chief Electoral Officer’s website”;**
- (c) by adding “referred to in section 51.04” after “compliance agreement”.**

(18) Section 53 is repealed and the following is substituted:

Restrictions

53 No prosecution shall be instituted under this Act without the consent of

- (a) the Election Commissioner before the coming into force of section 153.093(1) of the *Election Act*, or
- (b) the Chief Electoral Officer after the coming into force of section 153.093(1) of the *Election Act*.

Electronic Transactions Act

Amends SA 2001 cE-5.5

15(1) The *Electronic Transactions Act* is amended by this section.

(2) Section 1(1)(h)(vi) is amended by striking out “the Election Commissioner,”.

(16) Section 48.2 presently reads:

48.2 A registered party, registered constituency association, registered candidate, registered nomination contestant, registered leadership contestant or registered third party who fails to comply with a direction of the Chief Electoral Officer or the Election Commissioner is guilty of an offence and liable to a fine of not more than \$1000.

(17) Section 51.07 presently reads:

51.07 The Election Commissioner may publish a notice on the Election Commissioner's website that sets out the contracting party's name, the act or omission in question and a summary of the compliance agreement.

(18) Section 53 presently reads:

53 No prosecution shall be instituted under this Act without the consent of the Election Commissioner.

Electronic Transactions Act

15(1) Amends chapter E-5.5 of the Statutes of Alberta, 2001.

(2) Section 1(1)(h)(vi) presently reads:

1(1) In this Act,

(h) "public body" means

Employment Pension Plans Act

Amends SA 2012 cE-8.1

16(1) The *Employment Pension Plans Act* is amended by this section.

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

- (u) “excess contributions”, in relation to a member of a pension plan, means the excess referred to in section 57(2) or (2.1), as applicable in accordance with section 57, that is attributable to that member;

(3) Section 57 is amended

- (a) in subsection (1) by striking out “other than contributions applicable to and benefits under a jointly sponsored plan”;

- (b) in subsection (2) by striking out “Subject to” and substituting “In the case of a plan other than a jointly sponsored plan, subject to”;

(c) by adding the following after subsection (2):

(2.1) In the case of a jointly sponsored plan, subject to subsections (3), (5), (6) and (7), if the total of

- (a) the contributions made by a member of the plan on and after January 1, 1992, and
- (b) the interest that has accrued on those contributions

exceeds the commuted value of the member’s benefit that relates to his or her membership in the plan during the period in which the member was required to make contributions on and after January 1, 1992, the excess must be allocated or distributed in the manner required under subsection (4).

- (vi) *the office of the Auditor General, the Ombudsman, the Chief Electoral Officer, the Election Commissioner, the Ethics Commissioner, the Information and Privacy Commissioner, the Child and Youth Advocate or the Public Interest Commissioner, or*

Employment Pension Plans Act

16(1) Amends chapter E-8.1 of the Statutes of Alberta, 2012.

(2) Section 1 presently reads in part:

1(1) In this Act,

- (u) *“excess contributions”, in relation to a member of a pension plan, means the excess referred to in section 57(2) that is attributable to that member;*

(3) Section 57 presently reads in part:

57(1) This section applies to contributions applicable to, and to benefits under, a benefit formula provision other than contributions applicable to and benefits under a jointly sponsored plan.

(2) Subject to subsections (3), (5), (6) and (7), if the total of

- (a) the contributions made by a member of a pension plan on and after January 1, 1987, and*

- (b) the interest that has accrued on those contributions*

exceeds 1/2 of the commuted value of that portion of the member's benefit that relates to his or her membership in the plan during the period in which the member was required to make contributions on and after January 1, 1987, the excess must be allocated or distributed in the manner required under subsection (4).

(3) Subsection (2) does not apply to the following contributions or to the benefits resulting from them:

- (a) additional voluntary contributions;*
- (b) optional ancillary contributions;*

- (c) *contributions made to secure improvements in, or to purchase, benefits related to past service before or after the initial legislation date if the benefit improvement is provided entirely from the member's contributions;*
 - (d) *contributions made by an active member of a collectively bargained multi-employer plan in any fiscal year of the plan to increase the pension to which the member is entitled up to the maximum allowed for that year.*
- (4) *Subject to subsection (6), if the excess referred to in subsection (2) exists at one of the prescribed times, the excess must be allocated or distributed in whichever of the following manners the member elects:*
- (a) *paid as a lump sum to the member or to a person who is to receive a benefit under section 89;*
 - (b) *transferred to another pension plan, if and to the extent that the other plan allows the transfer;*
 - (c) *transferred to an RRSP or an RRIF;*
 - (d) *transferred to an insurance company to purchase a deferred pension;*
 - (e) *used to increase the amount of the pension, if and to the extent that the plan text document of the pension plan provides for that election.*
- (5) *If the plan text document of a pension plan contains a benefit formula provision, the plan text document may provide, in relation to deferred members to whom the excess referred to in subsection (2) is to be allocated or distributed under subsection (4), that if such a member's pension commencement date does not immediately follow the termination of his or her active membership or the conversion of the benefit formula provision to a defined contribution provision, the excess*
- (a) *is to be recalculated as of the member's pension commencement date, and*
 - (b) *is not to be allocated or distributed until that recalculation is done.*
- (6) *If a member to whom the excess referred to in subsection (2) is to be allocated or distributed dies before reaching his or her pension*

- (d) in subsection (3) by striking out “Subsection (2) does” and substituting “Subsections (2) and (2.1) do”;
- (e) in subsections (4), (5) and (6) by striking out “subsection (2)” and substituting “subsection (2) or (2.1), whichever is applicable,”.

Financial Administration Act

Amends RSA 2000 cF-12

17(1) The *Financial Administration Act* is amended by this section.

(2) Section 1(1) is amended by repealing clauses (f)(vii.1) and (u)(vii.1).

commencement date, the excess must be allocated or distributed as follows:

- (a) if there is a surviving pension partner and both of the following apply:*
 - (i) the pension partner had not provided a waiver under section 89(1)(b) before the member's death, and*
 - (ii) section 84 does not apply to the pension partner,*
the excess must be allocated or distributed in whichever of the manners referred to in subsection (4)(a) to (e) that the pension partner elects;
- (b) if there is a surviving pension partner to whom clause (a) does not apply, or if there is no surviving pension partner, the excess must be provided*
 - (i) to the designated beneficiary, or*
 - (ii) if there is no designated beneficiary living, to the personal representative of the member's estate in that person's capacity as personal representative.*

Financial Administration Act

17(1) Amends chapter F-12 of the Revised Statutes of Alberta 2000.

(2) Section 1(1) presently reads in part:

1(1) In this Act,

(f) "department" means

but does not include

(vii.1) the Office of the Election Commissioner,

(u) "public official" means

(vii.1) the Election Commissioner,

(3) Section 29 is amended by repealing clauses (b)(iv.1), (c)(iv.1) and (d)(iv.1).

(4) Section 76(11)(a)(ii) is amended by striking out “the Office of the Election Commissioner,”.

(3) Section 29 presently reads in part:

29 In this Part,

(b) “department” includes

(iv.1) the Office of the Election Commissioner,

(c) “department head” includes

(iv.1) the Election Commissioner with respect to the Office of the Election Commissioner,

(d) “deputy head” includes

(iv.1) the Election Commissioner with respect to the Office of the Election Commissioner,

(4) Section 76(11)(a)(ii) presently reads:

(11) For the purposes of this section, participants include the following:

(a) unless the Treasury Board prescribes otherwise,

(ii) the Legislative Assembly Office, the Office of the Auditor General, the Office of the Information and Privacy Commissioner, the Office of the Ombudsman, the Office of the Chief Electoral Officer, the Office of the Election Commissioner, the Office of the Ethics Commissioner, the Office of the Child and Youth Advocate and the Office of the Public Interest Commissioner;

Freedom of Information and Protection of Privacy Act

Amends RSA 2000 cF-25

18(1) The *Freedom of Information and Protection of Privacy Act* is amended by this section.

(2) Section 1 is amended

- (a) in clause (m) by striking out “the Election Commissioner,”;**
- (b) in clause (p)(vi) by striking out “the Election Commissioner,”.**

Health Professions Act

Amends RSA 2000 cH-7

19(1) The *Health Professions Act* is amended by this section.

(2) Section 51(1)(a) is amended by striking out “as defined in the *Social Care Facilities Review Committee Act*” and substituting “as defined in section 1(1)(f.1)(ii) and (iii) of the *Protection for Persons in Care Act*”.

Freedom of Information and Protection of Privacy Act

18(1) Amends chapter F-25 of the Revised Statutes of Alberta 2000.

(2) Section 1 presently reads in part:

1 In this Act,

(m) *“officer of the Legislature” means the Auditor General, the Ombudsman, the Chief Electoral Officer, the Election Commissioner, the Ethics Commissioner, the Information and Privacy Commissioner, the Child and Youth Advocate or the Public Interest Commissioner;*

(p) *“public body” means*

(vi) *the office of the Auditor General, the Ombudsman, the Chief Electoral Officer, the Election Commissioner, the Ethics Commissioner, the Information and Privacy Commissioner, the Child and Youth Advocate or the Public Interest Commissioner, or*

Health Professions Act

19(1) Amends chapter H-7 of the Revised Statutes of Alberta 2000.

(2) Section 51(1)(a) presently reads:

51(1) In this section, “publicly funded facility” means an institution or facility where professional services are provided and that

(a) *is an approved hospital as defined in the Hospitals Act, a nursing home as defined in the Nursing Homes Act, a correctional institution as defined in the Corrections Act, a facility as defined in the Mental Health Act, a diagnostic or treatment centre made available under section 49(b) of the Mental Health Act, a facility as defined in the Social Care Facilities Review Committee Act or an institution or facility operated by or approved by the Minister of Health, or*

Historical Resources Act

Disestablishment of Fund

20(1) The Historic Resources Fund is disestablished.

(2) The assets of the Historic Resources Fund shall be held in, and the Fund's liabilities shall be assumed by, the General Revenue Fund.

Dissolution of Foundation

21(1) The Alberta Historical Resources Foundation is dissolved.

(2) On the coming into force of subsection (1), the following applies:

- (a)** the property, assets, rights, obligations, liabilities, powers, duties and functions of the Alberta Historical Resources Foundation become the property, assets, rights, obligations, liabilities, powers, duties and functions of the Crown in right of Alberta;
- (b)** an existing cause of action, claim or liability to prosecution of, by or against the Alberta Historical Resources Foundation is unaffected by the coming into force of this section and may be continued by or against the Crown in right of Alberta;
- (c)** a civil, criminal or administrative action or proceeding pending by or against the Alberta Historical Resources Foundation may be continued by or against the Crown in right of Alberta;
- (d)** a ruling, order or judgment in favour of or against the Alberta Historical Resources Foundation may be enforced by or against the Crown in right of Alberta.

(3) Subsection (2)(a) does not give rise to a termination right, remedy or penalty under the provisions of a contract, agreement or grant to which the Alberta Historical Resources Foundation is a party immediately before the coming into force of this section, and such contracts, agreements or grants continue to have full effect as contracts, agreements or grants of the Crown in right of Alberta.

Historical Resources Act

20 Disestablishment of Fund.

21 Dissolution of Foundation.

Transitional regulations

22(1) The Lieutenant Governor in Council may make regulations

- (a) respecting the transition of any of the powers, duties and functions of the Alberta Historical Resources Foundation on its dissolution;
- (b) to remedy any confusion, difficulty, inconsistency or impossibility resulting from the dissolution of the Alberta Historical Resources Foundation.

(2) A regulation made under subsection (1) may be made retroactive to the extent set out in the regulation.

Amends RSA 2000 cH-9

23(1) The *Historical Resources Act* is amended by this section.

(2) Section 1(c) is repealed.

(3) Part 2 is repealed.

(4) Section 18 is amended

(a) in subsection (1)

(i) by striking out “or” at the end of clause (b);

(ii) by repealing clause (c) and substituting the following:

- (c) was approved or changed before March 31, 2020 by the Alberta Historical Resources Foundation pursuant to this Act, or
- (d) is approved or changed by the Minister pursuant to subsection (2),

22 Transitional regulations.

23(1) Amends chapter H-9 of the Revised Statutes of Alberta 2000.

(2) Section 1(c) presently reads:

1 In this Act,

(c) “Foundation” means The Alberta Historical Resources Foundation;

(3) Repeals Part 2.

(4) Section 18 presently reads:

18(1) The name of any place or other geographical feature in Alberta that

(a) was approved after March 31, 1949 and before January 1, 1975 by the Geographic Board of Alberta under The Geographical Names Act, RSA 1970 c159,

(b) was approved or changed after December 31, 1974 by the Historic Sites Board pursuant to this Act, or

(c) is approved or changed by the Foundation pursuant to subsection (2),

is the authorized name of that place or feature for all purposes.

(b) in subsection (2) by striking out “The Foundation may, with the consent of the Minister,” **and substituting** “The Minister may”;

(c) by repealing subsection (3) and substituting the following:

(3) When the Minister approves the name or changes the name of any place or other geographical feature under this section, the Minister shall publish in The Alberta Gazette a notice setting out the name approved or the change of name and the location of the place or other geographical feature to which the name applies.

(d) by repealing subsection (4).

(5) Section 20 is amended

(a) in subsection (4) by striking out “the Foundation” **and substituting** “the Minister”;

(b) by repealing subsection (5) and substituting the following:

(5) At the conclusion of the 30-day period, the Minister shall notify all persons who have advised the Minister of their intention to make representations of a date fixed by the Minister for the hearing of the representations, which must be not fewer than 15 days prior to the date on which the Minister proposes to make the designation.

(c) by repealing subsection (6) and substituting the following:

(6) The Minister, after considering any representations made at the hearing referred to in subsection (5), may make an order under subsection (1) and as soon as possible after making the order the Minister shall

(2) The Foundation may, with the consent of the Minister, approve a name for, or approve a change of the name for, any place or other geographical feature in Alberta.

(3) When the Foundation approves the name or changes the name of any place or other geographical feature under this section, a notice signed by the secretary of the Foundation setting out the name approved or the change of name and the location of the place or other geographical feature to which the name applies shall be published by the secretary in The Alberta Gazette.

(4) The Minister may make regulations

- (a) prescribing standards and guidelines for the approval of names and changes of names by the Foundation;*
- (b) prescribing the duties of the Foundation with respect to nomenclature;*
- (c) governing and requiring consultation by the Foundation with any department, municipality, person or body of persons concerning the naming of, or the changing of the name of, any place or other geographical feature.*

(5) Section 20 presently reads in part:

(4) Any interested person may, within 30 days after the publication of the notice in The Alberta Gazette, advise the Foundation that the person wishes to make representations concerning the proposed designation.

(5) At the conclusion of the 30-day period, the Foundation shall notify all persons who have advised the Foundation of their intention to make representations of a date fixed by the Foundation for the hearing of the representations, which must be not fewer than 15 days prior to the date on which the Minister proposes to make the designation, and the Foundation may, after hearing the representations, make recommendations to the Minister as to the proposed designation.

(6) If no representations are made or if the Foundation after hearing any representations recommends that the Minister proceed with the proposed designation, the Minister may proceed to make the order under subsection (1) and as soon as possible after making the order the Minister shall

- (a) serve a copy of the order on the owner of the historic resource and on the owner of any land that is subject to the order,
- (b) publish a notice of the designation, including a description of the historic resource and any land that is subject to the order, in The Alberta Gazette, and
- (c) if the order relates to or includes any land, cause a certified copy of the order to be registered in the appropriate land titles office.

(6) Section 29(1) is amended

- (a) by adding “or” at the end of clause (b);
- (b) by repealing clause (c).

(7) Part 4 is repealed.

Coming into force

24 Sections 14 to 17 have effect on March 31, 2020.

- (a) serve a copy of the order on the owner of the historic resource and on the owner of any land that is subject to the order,*
- (b) publish a notice of the designation, including a description of the historic resource and any land that is subject to the order, in The Alberta Gazette, and*
- (c) if the order relates to or includes any land, cause a certified copy of the order to be registered in the appropriate land titles office.*

(6) Section 29(1) presently reads:

29(1) A condition or covenant, relating to the preservation or restoration of any land or building, entered into by the owner of land and

- (a) the Minister,*
- (b) the council of the municipality in which the land is located,*
- (c) the Foundation, or*
- (d) an historical organization that is approved by the Minister,*

may be registered with the Registrar of Land Titles.

(7) Repeals Part 4.

24 Coming into force.

**Joint Governance of Public
Sector Pension Plans Act**

Amends SA 2018 cJ-0.5

25(1) The *Joint Governance of Public Sector Pension Plans Act* is amended by this section.

(2) Schedule 1 is amended

(a) in section 1(1)

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

(a) “active member” has the same meaning as under the EPPA;

(ii) by repealing clause (e) and substituting the following:

(e) “employee organization” means

(i) an organization referred to in section 4(1)(a)(i) to (v), and includes a successor to any of those organizations, and

(ii) the Corporation, solely in its capacity of appointing a member of the Sponsor Board under section 4(1)(a)(vi) and nominating an individual for appointment to the board of directors under section 20(2);

(iii) by adding the following after clause (k):

(k.1) “non-union employee” means an individual who is an active member of the Plan and who, at the relevant time, is not included in a bargaining unit or any other unit for collective bargaining;

(b) in section 4

(i) in subsection (1)(a)

(A) in subclause (ii) by striking out “2 members” and substituting “one member”;

**Joint Governance of Public
Sector Pension Plans Act**

25(1) Amends chapter J-0.5 of the Statutes of Alberta, 2018.

(2) Schedule 1 presently reads in part:

1(1) In this Schedule,

- (a) “board of directors” means the board of directors of the Corporation;*
- (e) “employee organization” means an organization referred to in section 4(1)(a), and includes a successor to any of those organizations;*
- (k) “Minister” means the Minister responsible for the former Act, and includes, where the context permits, the Crown;*

4(1) Except as otherwise provided in rules made by the Sponsor Board under section 8(2)(a), the Sponsor Board consists of the following members appointed by the following organizations:

- (a) 6 employee representatives appointed as follows:*
 - (ii) 2 members appointed by The Alberta Union of Provincial Employees;*
 - (v) one member appointed by the United Nurses of Alberta;*

(3) A sponsor organization appoints a member of the Sponsor Board by giving notice to the Corporation.

(4) A sponsor organization that has the power to appoint a member of the Sponsor Board may by notice to the Corporation remove and replace that member.

8(1) The Sponsor Board shall make rules

- (a) establishing a process for recruiting directors that provides for consultation among sponsor organizations with the objective of achieving on the board of directors of the Corporation*
 - (i) a suitable mix of competencies,*

(B) by adding the following after subclause (v):

- (vi) in accordance with subsection (5), one member appointed by the Corporation to represent non-union employees;
- (ii) **in subsection (3) by striking out “A sponsor organization” and substituting “Subject to subsection (5), a sponsor organization”;**
- (iii) **in subsection (4) by striking out “A sponsor organization” and substituting “Subject to subsection (6), a sponsor organization”;**

(iv) by adding the following after subsection (4):

(5) The Corporation must recruit and appoint the member referred to in subsection (1)(a)(vi) according to a process developed under section 16(3)(d.1) that identifies suitable candidates who are non-union employees or who have a connection with non-union employees.

(6) The member referred to in subsection (1)(a)(vi)

- (a) shall be appointed for a term of 3 years, and
- (b) may be removed by the Corporation only by unanimous resolution of the board of directors.

(7) On the resignation or expiry of the term of a member appointed under subsection (1)(a)(vi), the vacancy shall be filled by the Corporation as soon as reasonably practicable.

(c) in section 8

- (i) **by repealing subsection (1)(a);**
- (ii) **in subsection (3), by renumbering clause (a) as clause (a.1) and adding the following before clause (a.1):**
 - (a) excludes an appointment under section 4(1)(a)(vi),
- (iii) **in clause (a.1) by striking out “excludes” and substituting “subject to clause (a), excludes”;**

(ii) *a diversity of perspectives, and*

(iii) *gender balance,*

as defined or determined in accordance with the rules;

(3) The Sponsor Board shall not make a rule under subsection (2)(a) that

(a) excludes a sponsor organization from making an appointment unless the organization has

13 The Auditor General is not the auditor of the Corporation or the Plan.

14 The Corporation is not for the purposes of any enactment a Provincial corporation as defined in the Financial Administration Act or a public agency as defined in the Alberta Public Agencies Governance Act.

16(1) The Corporation, on becoming the trustee of the plan fund under section 26, is responsible for

(a) the plan fund, including investment of the assets of the plan fund, and

(b) making payments from the plan fund in respect of plan costs.

(3) Without limiting the responsibilities of the Corporation under subsections (1) and (2), and for greater certainty, the roles, responsibilities and authorities of the Corporation extend to and include the following:

(d) ensuring that the Plan complies with all applicable provincial and federal legislation;

(e) if, in the assessment of the Corporation, the Council of Post-secondary Presidents of Alberta is no longer a suitable representative organization, designating another organization representing post-secondary institutions participating in the Plan for the purposes of section 4(1)(b)(ii);

17(1) The Corporation must, through a services agreement, engage Alberta Pensions Services Corporation as the exclusive provider to the Corporation of pension administration services for a period of at least 5 years commencing on the transition date.

(d) by repealing sections 13 and 14;

(e) in section 16(3)

(i) by adding the following after clause (d):

- (d.1) for the purpose of section 4(5), developing a process for the recruitment and appointment of an individual to the Sponsor Board to represent non-union employees;
- (d.2) for the purpose of section 20(2), developing a process for the recruitment and nomination of an individual to the board of directors;

(ii) in clause (e) by striking out “section 4(1)(b)(ii)” and substituting “section 4(1)(b)(ii)(B)”;

(f) by repealing section 17 and substituting the following:

Agreement for pension administration services

17(1) The Corporation must, through a services agreement, engage Alberta Pensions Services Corporation as the exclusive provider to the Corporation of pension administration services.

(2) If at any time there is no subsisting services agreement under subsection (1), the Minister may, by order, specify the terms and conditions in accordance with which Alberta Pensions Services Corporation must provide pension administration services to the Corporation.

(3) An order under subsection (2) has effect until the Corporation and Alberta Pensions Services Corporation enter into a services agreement under subsection (1).

Agreement for investment management services

17.1(1) The Corporation is a designated entity under section 6(1) of the *Alberta Investment Management Corporation Act* in respect of the plan fund.

(2) Subject to subsections (3) and (4), the Corporation must, through an investment management agreement,

(2) The Corporation must, through an investment management agreement, engage Alberta Investment Management Corporation as the exclusive provider to the Corporation of investment management services for a period of at least 5 years commencing on the transition date.

(3) The Corporation may arrange for the plan fund or any part of it to be held in the nominee name of an investment manager and in that event

- (a) the investment manager shall hold such assets as bare trustee, and*
- (b) such an arrangement shall not limit the role and responsibility of the Corporation as trustee of the plan fund.*

19(1) The Corporation is governed by a board of directors appointed under section 20.

(4) The board of directors shall appoint an auditor for the Corporation.

20(1) Subject to section 21, a sponsor organization that has authority under section 4(1), or under rules made by the Sponsor Board under section 8(2)(a), to appoint one or more members of the Sponsor Board may appoint the same number of members to the board of directors.

(2) To be eligible to become or remain a director, an individual

- (a) must be at least 18 years of age, and*
- (b) must not be a member of the Sponsor Board.*

(3) Before appointing a director, a sponsor organization shall comply with any applicable rules made by the Sponsor Board under section 8(1)(a).

(4) A sponsor organization appoints a director by giving notice to the Corporation.

(5) A sponsor organization that has authority to appoint a director may by notice to the Corporation terminate the appointment of the relevant director.

- (a) engage Alberta Investment Management Corporation as the exclusive provider to the Corporation of investment management services in respect of the plan fund, and
 - (b) ensure that all investments of the plan fund are managed by Alberta Investment Management Corporation.
- (3) The Corporation may exclude investments of the plan fund from an investment management agreement under subsection (2) if the funds invested are reasonably required to meet the expected current liabilities and operating expenses of the Corporation.
- (4) The Minister may, by order, authorize the Corporation to exclude from an investment management agreement under subsection (2), for a fixed or indefinite period of time, specific investments or classes of investments of the plan fund but such investments must not make up more than 10% of the total value of the Corporation's investments at the time the order is made, excluding investments made under subsection (3).
- (5) The Corporation may arrange for the plan fund or any part of it to be held in the nominee name of Alberta Investment Management Corporation, who must hold the assets as bare trustee.
- (6) The arrangement made under subsection (5) shall not limit the role and responsibility of the Corporation as trustee of the plan fund.
- (g) **by repealing section 19(4);**
- (h) **by repealing section 20 and substituting the following:**

Appointment of directors

20(1) Subject to subsections (2) to (6), the Lieutenant Governor in Council shall appoint the members of the board of directors, and the board of directors shall consist of the same number of individuals that may be appointed to the Sponsor Board.

(6) The Sponsor Board may by resolution and subsequent notice to the Corporation terminate the appointment of a director for misconduct while serving as a director.

21 Where an employer organization referred to in section 4(1)(b)(ii), (iii) or (iv) has authority to appoint a member of the Sponsor Board, the other employer organization referred to in section 4(1)(b)(ii), (iii) or (iv) has the authority to appoint a director to the board of directors under section 20.

22(1) A director shall be appointed for a fixed term not exceeding 3 years and may be reappointed.

(3) A director ceases to hold office when

(b) the director's appointment is terminated under section 20(5) or (6).

23(1) The board of directors may make bylaws governing the business and affairs of the Corporation, including bylaws

(e) specifying the majority required for passing resolutions of the board of directors;

(2) To the extent the board of directors has not made bylaws under subsection (1) that are applicable, the following provisions govern:

(a) if the board of directors has not made a bylaw with respect to the designation of a chair and a vice-chair of the board of directors, the directors appointed by the employer organizations shall designate the chair and the directors appointed by the employee organizations shall designate the vice-chair, and the power to designate the chair and vice-chair shall rotate 3 years after the transition date and every 3 years after that period between the directors appointed by the employee organizations and the directors appointed by the employer organizations;

(c) if the board of directors has not made a bylaw with respect to the majority required to pass resolutions of the board of directors, a resolution is passed if it is approved by a majority of the directors present at the meeting;

(d) if the board of directors has not made a bylaw with respect to quorum, a majority of the directors appointed by the

(2) Subject to section 21, a sponsor organization that has authority under section 4(1), or under rules made by the Sponsor Board under section 8(2)(a), to appoint one or more members of the Sponsor Board must nominate the same number of individuals for appointment to the board of directors.

(3) On a vacancy, or prior to an expected vacancy, of a director position, the sponsor organization that is responsible for nominating to that position must, as soon as reasonably practicable, submit a nomination in writing to the Minister for consideration by the Lieutenant Governor in Council.

(4) In making an appointment, the Lieutenant Governor in Council shall have regard to the desirability of having a board of directors that is comprised of individuals who, in the aggregate, have the full range of skills, knowledge and experience necessary to be able to effectively lead the Corporation in carrying out its roles, responsibilities and authorities under this Schedule.

(5) If the Lieutenant Governor in Council rejects a nomination made by a sponsor organization, the sponsor organization must submit a new nomination in accordance with subsection (3).

(6) To be eligible to become or remain a director, an individual

(a) must be at least 18 years of age, and

(b) must not be a member of the Sponsor Board.

(i) **by repealing section 21 and substituting the following:**

Rotational appointments and nominations

21 Where an employer organization referred to in section 4(1)(b)(ii), (iii) or (iv) has authority to appoint a member of the Sponsor Board, the other employer organization referred to in the applicable subclause of that subsection has the authority to nominate an individual to the board of directors under section 20(2).

(j) **in section 22(3)(b) by striking out** “under section 20(5) or (6)”;

employee organizations and a majority of the directors appointed by the employer organizations constitute quorum.

28(1) As of the transition date, members participating in the Plan immediately prior to the transition date continue as members of the Plan.

(4) Subject to subsection (5), as of the transition date, the policies of participating employers in respect of the participation in the Plan of its employees whose aggregate of regularly scheduled hours of work is at least 14 hours per week or 728 hours per year, but is less than 30 hours per week, shall continue to apply, and shall not be amended, for a period of 3 years after the transition date.

30(1) In this section,

- (a) “successor employer” means a legal entity that*
 - (i) due to one of the following events occurring after the transition date, becomes the employer of one or more employees who were active members of the Plan immediately prior to the event:*
 - (A) the merger of a participating employer with another legal entity;*
 - (B) the continuation of a participating employer as the legal entity;*
 - (C) the transfer or assignment of all or a divisible part of the activities or undertakings of a participating employer to the legal entity,*

and

- (ii) was not a participating employer prior to the event described in subclause (i);*
- (b) “succession event” means the occurrence of an event described in clause (a)(i).*

(2) On a succession event,

- (a) subject to any rules made by the Sponsor Board under section 9 and any prior contrary determination by the Sponsor Board, a successor employer becomes a participating employer, and*

(k) in section 23

(i) in subsection (1) by repealing clause (e) and substituting the following:

- (e) subject to section 4(6)(b), specifying the majority required for passing resolutions of the board of directors;

(ii) in subsection (2)

(A) by repealing clause (a) and substituting the following:

- (a) if the board of directors has not made a bylaw with respect to the designation of a chair and a vice-chair of the board of directors, the Minister shall designate the chair and the vice-chair;

(B) by repealing clause (c) and substituting the following:

- (c) if the board of directors has not made a bylaw with respect to the majority required to pass resolutions of the board of directors, then subject to section 4(6)(b), a resolution is passed if it is approved by a majority of the directors present at the meeting;

(C) in clause (d) by striking out “appointed by the employee organizations and a majority of the directors appointed by the employer organizations constitute” and substituting “constitutes”;

(l) in section 28 by repealing subsection (4) and substituting the following:

(4) Subject to subsection (5), as of the transition date, the policies of participating employers in respect of the participation in the Plan of its employees

- (a) who are included in a bargaining unit or any other unit for collective bargaining, and

(b) if clause (a) applies, the following employees of the successor employer continue or become members of the Plan:

(i) employees who were active members of the Plan immediately prior to the succession event;

(ii) if a majority of the employees of the successor employer, taking into account the employees referred to in subclause (i), are active members of the Plan, all of the remaining employees who are eligible in accordance with the plan text, unless otherwise determined by the Sponsor Board.

(3) If a successor employer becomes a participating employer in accordance with subsection (2)(a), but subsection (2)(b)(ii) does not apply, then notwithstanding the EPPA, the provisions of plan text and any rules made by the Sponsor Board, employees of a successor employer, other than those described in subsection (2)(b)(i), shall not be members of the Plan unless

(a) their participation is approved by the successor employer and the Sponsor Board, or

(b) the participation of those employees in the Plan is mandated by any applicable law relating to collective bargaining.

(4) A participating employer shall provide notice to the Corporation on becoming aware that an anticipated event or course of action involving the participating employer may constitute a succession event.

(5) The Sponsor Board may retroactively revoke a successor employer's status as a participating employer if

(a) neither the Sponsor Board nor the Corporation received at least 30 days' prior notice of the succession event, and

(b) notice of revocation is given to the successor employer by the later of

(i) 90 days after the Sponsor Board or the Corporation received notice of the succession event, and

(ii) 90 days after the succession event.

33(1) On the transition date, the Plan is deemed to be registered as a pension plan under Part 4 of the EPPA.

- (b) whose aggregate of regularly scheduled hours of work is at least 14 hours per week or 728 hours per year, but is less than 30 hours per week,

shall continue to apply, and shall not be amended, for a period of 3 years after the transition date.

(m) by repealing section 30;

(n) by repealing section 33(5) and (6);

(o) by adding the following after section 33:

Rules superseding the EPPA

33.1(1) Section 20(2)(a) of the EPPA does not apply to the Plan.

(2) No solvency funding requirements prescribed under section 52(2)(a) of the EPPA apply to the Plan.

(3) Notwithstanding any provisions of plan text to the contrary and section 1(1)(k)(i) of the EPPA, in relation to benefits that a person is or may become entitled to receive under a benefit formula provision of the Plan, “commuted value” means the actuarial present value of those benefits determined

- (a) using the actuarial assumptions used in the current actuarial valuation report to determine the going concern liabilities value of the Plan or any simplified actuarial assumptions that reasonably reflect the actuarial assumptions used in the current actuarial valuation report to determine the going concern liabilities value of the Plan, and
- (b) on the basis of actuarial assumptions and methods that are appropriate and in accordance with accepted actuarial practice.

(4) Notwithstanding section 34(3)(a) and any provisions of plan text to the contrary, section 57 of the EPPA applies to the Plan.

(5) For the purpose of subsection (3),

(5) Section 20(2)(a) of the EPPA does not apply to the Plan.

(6) No solvency funding requirements prescribed under section 52(2)(a) of the EPPA apply to the Plan.

41(1) The Corporation shall maintain a publicly accessible website and disclose the following information on that website:

- (b) a listing of the current board of directors, including the names of the sponsor organizations that appointed the directors;*
- (h) compensation paid to directors and officers of the Corporation and amounts expended by the Corporation for reimbursement of expenses incurred by directors and officers of the Corporation;*

(2) For the purposes of disclosure under subsection (1)(h),

- (b) the disclosure must be posted annually within the same timeframes as would be required if the Public Sector Compensation Transparency Act applied to the Corporation.*

42(1) Any notice to be given under this Schedule to the Sponsor Board or the Corporation, and any service of documents to the Sponsor Board or the Corporation under any other enactment, is sufficiently given if it is delivered by any means to the Corporation's principal office.

(2) If, following the establishment of the Corporation under section 11, the Corporation has not formally established a principal office, the principal office of Alberta Local Authorities Pension Plan Corp. is deemed for the time being to be the principal office of the Corporation.

- (a) “benefits” and “benefit formula provision” have the same meaning as under the EPPA, and
 - (b) “actuarial valuation report” has the same meaning as under the regulations under the EPPA.
- (6) Subsections (3) and (4) have effect on April 1, 2020.
- (p) in section 41
- (i) in subsection (1)
 - (A) in clause (b) by striking out “appointed” and substituting “nominated”;
 - (B) in clause (h) by striking out “and officers of the Corporation” wherever it occurs;
 - (ii) in subsection (2)(b) by striking out “Corporation” and substituting “disclosure of director compensation”;
- (q) by adding the following after section 42:

Part 6 Transitional Provisions

Definitions

43 In this Part,

- (a) “AUPE” means The Alberta Union of Provincial Employees;
- (b) “former provisions” means the provisions of this Schedule in force immediately before the coming into force of this Part.

Sponsor Board composition transition

44(1) Notwithstanding section 4(1)(a)(ii) and (4), an individual who was a member of the Sponsor Board immediately before the coming into force of this Part, and who was appointed by AUPE under section 4(1)(a)(ii) of the former provisions, shall continue as a member of the Sponsor Board until the earlier of

- (a) the resignation of the member,

- (b) the removal of the member by AUPE,
- (c) the member becoming ineligible to be a member, and
- (d) June 30, 2020.

(2) Notwithstanding section 4(1)(a)(vi), the Corporation may not make an appointment under that section until the earlier of

- (a) the occurrence of a vacancy on the Sponsor Board arising from the resignation, removal or ineligibility of an individual who was appointed by AUPE under section 4(1)(a)(ii) of the former provisions, and
- (b) July 1, 2020.

(3) For greater certainty, AUPE may as of July 1, 2020 reappoint, under section 4(1)(a)(ii), any one individual referred to in subsection (1).

Board of directors composition transition

45(1) Subject to subsection (2), an individual who was a director immediately before the coming into force of this Part shall continue as a member of the board of directors until the earlier of

- (a) the expiry of the director's original appointment,
- (b) the resignation of the director,
- (c) the removal of the director in accordance with subsection (7), and
- (d) the director becoming ineligible to be a director.

(2) If 2 of the directors who continued as members of the board of directors under subsection (1) were appointed by AUPE under section 20(1) of the former provisions and both directors remain on the board of directors on April 1, 2020, AUPE shall, prior to April 30, 2020, designate one of the 2 directors for removal from the board of directors effective on June 30, 2020.

(3) A designation made under subsection (2) shall be made in writing and shall be delivered to the Corporation and to the Minister, respectively, by April 30, 2020.

(4) If subsection (2) applies and AUPE fails to notify in accordance with subsection (3), the Minister shall make the designation by June 30, 2020.

(5) A designation made under subsection (4) shall be made in writing and shall be delivered to the Corporation and to AUPE, respectively, by June 30, 2020.

(6) The appointment of the director designated for removal under subsection (2) or (4), whichever is applicable, is terminated on June 30, 2020.

(7) An individual who continues as a member of the board of directors under subsection (1) may be removed by notice in writing to the Corporation

- (a) by the sponsor organization that appointed the member, or
- (b) for misconduct while serving as a director, by resolution of the Sponsor Board.

(8) The Corporation must, in respect of each director continued as a member of the board of directors under subsection (1),

- (a) on request, advise the Minister in writing of the date and term of that director's appointment, and
- (b) promptly notify the Minister in writing on the resignation, removal or ineligibility of that director.

Pension administration services agreement transition

46(1) The pension services agreement made under the former provisions between the Corporation and Alberta Pensions Services Corporation and effective on March 1, 2019 must be amended by the parties by December 31, 2020, having regard to the requirements of section 17(1).

(2) If the Corporation and Alberta Pensions Services Corporation fail to comply with subsection (1), the pension services agreement is terminated as of December 31, 2020, notwithstanding the provisions of the agreement.

Investment management agreement transition

47(1) The investment management agreement made under the former provisions between the Corporation and Alberta Investment

Management Corporation and effective on March 1, 2019 must be amended by the parties by December 31, 2020, having regard to the requirements of section 17.1.

(2) If the Corporation and Alberta Investment Management Corporation fail to comply with subsection (1), the investment management agreement is terminated as of December 31, 2020, notwithstanding the provisions of the agreement.

(3) Schedule 2 is amended

(a) by repealing section 8(1)(a);

(b) by repealing sections 13 and 14;

(c) by repealing section 17 and substituting the following:

Agreement for pension administration services

17(1) The Corporation must, through a services agreement, engage Alberta Pensions Services Corporation as the exclusive provider to the Corporation of pension administration services.

(2) If at any time there is no subsisting services agreement under subsection (1), the Minister may, by order, specify the terms and conditions in accordance with which Alberta Pensions Services Corporation must provide pension administration services to the Corporation.

(3) An order under subsection (2) has effect until the Corporation and Alberta Pensions Services Corporation enter into a services agreement under subsection (1).

Agreement for investment management services

17.1(1) The Corporation is a designated entity under section 6(1) of the *Alberta Investment Management Corporation Act* in respect of the plan fund.

(2) Subject to subsections (3) and (4), the Corporation must, through an investment management agreement,

(a) engage Alberta Investment Management Corporation as the exclusive provider to the Corporation of investment management services in respect of the plan fund, and

(3) Schedule 2 presently reads in part:

8(1) The Sponsor Board shall make rules

(a) establishing a process for recruiting directors that provides for consultation among sponsor organizations with the objective of achieving on the board of directors of the Corporation

13 The Auditor General is not the auditor of the Corporation or the Plan.

14(1) Notwithstanding section 2(1) of the Financial Administration Act, the Corporation is not for the purposes of any enactment a Provincial corporation under that Act.

(2) The Corporation is not for the purposes of any enactment a public agency as defined in the Alberta Public Agencies Governance Act.

17(1) The Corporation must, through a services agreement, engage Alberta Pensions Services Corporation as the exclusive provider to the Corporation of pension administration services for a period of at least 5 years commencing on the transition date.

(2) The Corporation must, through an investment management agreement, engage Alberta Investment Management Corporation as the exclusive provider to the Corporation of investment management services for a period of at least 5 years commencing on the transition date.

(3) The Corporation may arrange for the plan fund or any part of it to be held in the nominee name of an investment manager, and in that event

(a) the investment manager shall hold such assets as bare trustee, and

(b) ensure that all investments of the plan fund are managed by Alberta Investment Management Corporation.

(3) The Corporation may exclude investments of the plan fund from an investment management agreement under subsection (2) if the funds invested are reasonably required to meet the expected current liabilities and operating expenses of the Corporation.

(4) The Minister may, by order, authorize the Corporation to exclude from an investment management agreement under subsection (2), for a fixed or indefinite period of time, specific investments or classes of investments of the plan fund but such investments must not make up more than 10% of the total value of the Corporation's investments at the time the order is made, excluding investments made under subsection (3).

(5) The Corporation may arrange for the plan fund or any part of it to be held in the nominee name of Alberta Investment Management Corporation, who must hold the assets as bare trustee.

(6) The arrangement made under subsection (5) shall not limit the role and responsibility of the Corporation as trustee of the plan fund.

(d) by repealing section 19(4);

(e) by repealing section 20 and substituting the following:

Appointment of directors

20(1) Subject to subsections (2) to (6), the Lieutenant Governor in Council shall appoint the members of the board of directors, and the board of directors shall consist of the same number of individuals that may be appointed to the Sponsor Board.

(2) Subject to section 21, a sponsor organization that has authority under section 4(1), or under rules made by the Sponsor Board under section 8(2)(a), to appoint one or more members of the Sponsor Board must nominate the same number of individuals for appointment to the board of directors.

- (b) such an arrangement shall not limit the role and responsibility of the Corporation as trustee of the plan fund.*

19(1) The Corporation is governed by a board of directors appointed under section 20.

(4) The board of directors shall appoint an auditor for the Corporation.

20(1) Subject to section 21, a sponsor organization that has authority under section 4(1), or under rules made by the Sponsor Board under section 8(2)(a), to appoint one or more members of the Sponsor Board may appoint the same number of members to the board of directors.

(2) To be eligible to become or remain a director, an individual

- (a) must be at least 18 years of age, and*

- (b) must not be a member of the Sponsor Board.*

(3) Before appointing a director, a sponsor organization shall comply with any applicable rules made by the Sponsor Board under section 8(1)(a).

(4) A sponsor organization appoints a director by giving notice to the Corporation.

(5) A sponsor organization that has authority to appoint a director may by notice to the Corporation terminate the appointment of the relevant director.

(6) The Sponsor Board may by resolution and subsequent notice to the Corporation terminate the appointment of a director for misconduct while serving as a director.

21 Where an employer organization referred to in section 4(1)(b)(ii) has authority to appoint a member of the Sponsor Board, the other employer organization referred to in section 4(1)(b)(ii) has the authority to appoint a director to the board of directors under section 20.

22(1) A director shall be appointed for a fixed term not exceeding 3 years and may be reappointed.

(3) A director ceases to hold office when

(3) On a vacancy, or prior to an expected vacancy, of a director position, the sponsor organization that is responsible for nominating to that position must, as soon as reasonably practicable, submit a nomination in writing to the Minister for consideration by the Lieutenant Governor in Council.

(4) In making an appointment, the Lieutenant Governor in Council shall have regard to the desirability of having a board of directors that is comprised of individuals who, in the aggregate, have the full range of skills, knowledge and experience necessary to be able to effectively lead the Corporation in carrying out its roles, responsibilities and authorities under this Schedule.

(5) If the Lieutenant Governor in Council rejects a nomination made by a sponsor organization, the sponsor organization must submit a new nomination in accordance with subsection (3).

(6) To be eligible to become or remain a director, an individual

(a) must be at least 18 years of age, and

(b) must not be a member of the Sponsor Board.

(f) by repealing section 21 and substituting the following:

Rotational appointments and nominations

21 Where an employer organization referred to in section 4(1)(b)(ii) has authority to appoint a member of the Sponsor Board, the other employer organization referred to in that subclause has the authority to nominate an individual to the board of directors under section 20(2).

(g) in section 22(3)(b) by striking out “under section 20(5) or (6)”;

(h) in section 23(2)

(i) by repealing clause (a) and substituting the following:

(a) if the board of directors has not made a bylaw with respect to the designation of a chair and a vice-chair

- (b) the director's appointment is terminated under section 20(5) or (6).*

23(1) The board of directors may make bylaws governing the business and affairs of the Corporation, including bylaws

(2) To the extent the board of directors has not made bylaws under subsection (1) that are applicable, the following provisions govern:

- (a) if the board of directors has not made a bylaw with respect to the designation of a chair and a vice-chair of the board of directors, the directors appointed by the employer organizations shall designate the chair and the directors appointed by the employee organizations shall designate the vice-chair, and the power to designate the chair and vice-chair shall rotate 3 years after the transition date and every 3 years after that period between the directors appointed by the employee organizations and the directors appointed by the employer organizations;*
- (d) if the board of directors has not made a bylaw with respect to quorum, a majority of the directors appointed by the employee organizations and a majority of the directors appointed by the employer organizations constitute quorum.*

28(1) As of the transition date, members participating in the Plan immediately prior to the transition date continue as members of the Plan.

(4) Subject to subsection (5), as of the transition date, the policies of participating employers in respect of the participation in the Plan of its employees

- (a) whose aggregate of regularly scheduled hours of work is at least 14 hours per week or 728 hours per year, but is less than 30 hours per week, and*
- (b) who are employed on a continuous basis such that there is no date or event, other than by reference to the attainment of a mandatory retirement age, if any, established for the termination of employment,*

shall continue to apply, and shall not be amended, for a period of 3 years after the transition date.

of the board of directors, the Minister shall designate the chair and the vice-chair;

- (ii) **in clause (d) by striking out** “appointed by the employee organizations and a majority of the directors appointed by the employer organizations constitute” **and substituting** “constitutes”;

- (i) **in section 28 by repealing subsection (4) and substituting the following:**

(4) Subject to subsection (5), as of the transition date, the policies of participating employers in respect of the participation in the Plan of its employees

- (a) who are included in a bargaining unit or any other unit for collective bargaining,
- (b) whose aggregate of regularly scheduled hours of work is at least 14 hours per week or 728 hours per year, but is less than 30 hours per week, and
- (c) who are employed on a continuous basis such that there is no date or event, other than by reference to the attainment of a mandatory retirement age, if any, established for the termination of employment,

shall continue to apply, and shall not be amended, for a period of 3 years after the transition date.

- (j) **by repealing section 30;**

- (k) **by repealing section 33(5) and (6);**

- (l) **by adding the following after section 33:**

Rules superseding the EPPA

33.1(1) Section 20(2)(a) of the EPPA does not apply to the Plan.

(2) No solvency funding requirements prescribed under section 52(2)(a) of the EPPA apply to the Plan.

30(1) *In this section,*

- (a) *“successor employer” means a legal entity that*
 - (i) *due to one of the following events occurring after the transition date, becomes the employer of one or more employees who were active members of the Plan immediately prior to the event:*
 - (A) *the merger of a participating employer with another legal entity;*
 - (B) *the continuation of a participating employer as the legal entity;*
 - (C) *the transfer or assignment of all or a divisible part of the activities or undertakings of a participating employer to the legal entity,*

and

- (ii) *was not a participating employer prior to the event described in subclause (i);*
- (b) *“succession event” means the occurrence of an event described in clause (a)(i).*

(2) *On a succession event,*

- (a) *subject to any rules made by the Sponsor Board under section 9 and any prior contrary determination by the Sponsor Board, a successor employer becomes a participating employer, and*
- (b) *if clause (a) applies, the following employees of the successor employer continue or become members of the Plan:*
 - (i) *employees who were active members of the Plan immediately prior to the succession event;*
 - (ii) *if a majority of the employees of the successor employer, taking into account the employees referred to in subclause (i), are active members of the Plan, all of the remaining employees who are eligible in accordance with the plan text, unless otherwise determined by the Sponsor Board.*

(3) Notwithstanding any provisions of plan text to the contrary and section 1(1)(k)(i) of the EPPA, in relation to benefits that a person is or may become entitled to receive under a benefit formula provision of the Plan, “commuted value” means the actuarial present value of those benefits determined

- (a) using the actuarial assumptions used in the current actuarial valuation report to determine the going concern liabilities value of the Plan or any simplified actuarial assumptions that reasonably reflect the actuarial assumptions used in the current actuarial valuation report to determine the going concern liabilities value of the Plan, and
- (b) on the basis of actuarial assumptions and methods that are appropriate and in accordance with accepted actuarial practice.

(4) Notwithstanding section 34(3)(a) and any provisions of plan text to the contrary, section 57 of the EPPA applies to the Plan.

(5) For the purpose of subsection (3),

- (a) “benefits” and “benefit formula provision” have the same meaning as under the EPPA, and
- (b) “actuarial valuation report” has the same meaning as under the regulations under the EPPA.

(6) Subsections (3) and (4) have effect on April 1, 2020.

(m) in section 41

(i) in subsection (1)

(A) in clause (b) by striking out “appointed” and substituting “nominated”;

(B) in clause (h) by striking out “and officers of the Corporation” wherever it occurs;

(ii) in subsection (2)(b) by striking out “Corporation” and substituting “disclosure of director compensation”;

(3) If a successor employer becomes a participating employer in accordance with subsection (2)(a), but subsection (2)(b)(ii) does not apply, then notwithstanding the EPPA, the provisions of plan text and any rules made by the Sponsor Board, employees of a successor employer, other than those described in subsection (2)(b)(i), shall not be members of the Plan unless

- (a) their participation is approved by the successor employer and the Sponsor Board, or*
- (b) the participation of those employees in the Plan is mandated by any applicable law relating to collective bargaining.*

(4) A participating employer shall provide notice to the Corporation on becoming aware that an anticipated event or course of action involving the participating employer may constitute a succession event.

(5) The Sponsor Board may retroactively revoke a successor employer's status as a participating employer if

- (a) neither the Sponsor Board nor the Corporation received at least 30 days' prior notice of the succession event, and*
- (b) notice of revocation is given to the successor employer by the later of*
 - (i) 90 days after the Sponsor Board or the Corporation received notice of the succession event, and*
 - (ii) 90 days after the succession event.*

33(1) On the transition date, the Plan is deemed to be registered as a pension plan under Part 4 of the EPPA.

(5) Section 20(2)(a) of the EPPA does not apply to the Plan.

(6) No solvency funding requirements prescribed under section 52(2)(a) of the EPPA apply to the Plan.

41(1) The Corporation shall maintain a publicly accessible website and disclose the following information on that website:

- (b) a listing of the current board of directors, including the names of the sponsor organizations that appointed the directors;*

(n) by adding the following after section 42:

Part 6 Transitional Provisions

Definition

43 In this Part, “former provisions” means the provisions of this Schedule in force immediately before the coming into force of this Part.

Board of directors composition transition

44(1) An individual who was a director immediately before the coming into force of this Part shall continue as a member of the board of directors until the earlier of

- (a) the expiry of the director’s original appointment,
- (b) the resignation of the director,
- (c) the removal of the director in accordance with subsection (2), and
- (d) the director becoming ineligible to be a director.

(2) An individual who continues as a member of the board of directors under subsection (1) may be removed by notice in writing to the Corporation

- (a) by the sponsor organization that appointed the member, or
- (b) for misconduct while serving as a director, by resolution of the Sponsor Board.

(3) The Corporation must, in respect of each director continued as a member of the board of directors under subsection (1),

- (a) on request, advise the Minister in writing of the date and term of that director’s appointment, and
- (b) promptly notify the Minister in writing on the resignation, removal or ineligibility of that director.

(h) compensation paid to directors and officers of the Corporation and amounts expended by the Corporation for reimbursement of expenses incurred by directors and officers of the Corporation;

(2) For the purposes of disclosure under subsection (1)(h),

(b) the disclosure must be posted annually within the same timeframes as would be required if the Public Sector Compensation Transparency Act applied to the Corporation.

42(1) Any notice to be given under this Schedule to the Sponsor Board or the Corporation, and any service of documents to the Sponsor Board or the Corporation under any other enactment, is sufficiently given if it is delivered by any means to the Corporation's principal office.

(2) If, following the establishment of the Corporation under section 11, the Corporation has not formally established a principal office, the principal office of the employees of Alberta Pensions Services Corporation who have been assigned to supporting the Pension Board under the former Act is deemed for the time being to be the principal office of the Corporation.

Pension administration services agreement transition

45(1) The pension services agreement made under the former provisions between the Corporation and Alberta Pensions Services Corporation and effective on March 1, 2019 must be amended by the parties by December 31, 2020, having regard to the requirements of section 17(1).

(2) If the Corporation and Alberta Pensions Services Corporation fail to comply with subsection (1), the pension services agreement is terminated as of December 31, 2020, notwithstanding the provisions of the agreement.

Investment management agreement transition

46(1) The investment management agreement made under the former provisions between the Corporation and Alberta Investment Management Corporation and effective on March 1, 2019 must be amended by the parties by December 31, 2020, having regard to the requirements of section 17.1.

(2) If the Corporation and Alberta Investment Management Corporation fail to comply with subsection (1), the investment management agreement is terminated as of December 31, 2020, notwithstanding the provisions of the agreement.

(4) Schedule 3 is amended

(a) by repealing section 7(1)(a);

(b) by repealing sections 12 and 13;

(c) by repealing section 16 and substituting the following:

Agreement for pension administration services

16(1) The Corporation must, through a services agreement, engage Alberta Pensions Services Corporation as the exclusive provider to the Corporation of pension administration services.

(2) If at any time there is no subsisting services agreement under subsection (1), the Minister may, by order, specify the terms and conditions in accordance with which Alberta Pensions Services Corporation must provide pension administration services to the Corporation.

(4) Schedule 3 presently reads in part:

7(1) The Sponsor Board shall make rules

(a) establishing a process for recruiting directors that provides for consultation among sponsor organizations with the objective of achieving on the board of directors of the Corporation

12 The Auditor General is not the auditor of the Corporation or the Plan.

13 The Corporation is not for the purposes of any enactment a Provincial corporation as defined in the Financial Administration Act or a public agency as defined in the Alberta Public Agencies Governance Act.

16(1) The Corporation must, through a services agreement, engage Alberta Pensions Services Corporation as the exclusive provider to the Corporation of pension administration services for a period of at least 5 years commencing on the transition date.

(3) An order under subsection (2) has effect until the Corporation and Alberta Pensions Services Corporation enter into a services agreement under subsection (1).

Agreement for investment management services

16.1(1) The Corporation is a designated entity under section 6(1) of the *Alberta Investment Management Corporation Act* in respect of the plan fund.

(2) Subject to subsections (3) and (4), the Corporation must, through an investment management agreement,

- (a) engage Alberta Investment Management Corporation as the exclusive provider to the Corporation of investment management services in respect of the plan fund, and
- (b) ensure that all investments of the plan fund are managed by Alberta Investment Management Corporation.

(3) The Corporation may exclude investments of the plan fund from an investment management agreement under subsection (2) if the funds invested are reasonably required to meet the expected current liabilities and operating expenses of the Corporation.

(4) The Minister may, by order, authorize the Corporation to exclude from an investment management agreement under subsection (2), for a fixed or indefinite period of time, specific investments or classes of investments of the plan fund but such investments must not make up more than 10% of the total value of the Corporation's investments at the time the order is made, excluding investments made under subsection (3).

(5) The Corporation may arrange for the plan fund or any part of it to be held in the nominee name of Alberta Investment Management Corporation, who must hold the assets as bare trustee.

(6) The arrangement made under subsection (5) shall not limit the role and responsibility of the Corporation as trustee of the plan fund.

(2) The Corporation must, through an investment management agreement, engage Alberta Investment Management Corporation as the exclusive provider to the Corporation of investment management services for a period of at least 5 years commencing on the transition date.

(3) The Corporation may arrange for the plan fund or any part of it to be held in the nominee name of an investment manager, and in that event

- (a) the investment manager shall hold such assets as bare trustee, and*
- (b) such an arrangement shall not limit the role and responsibility of the Corporation as trustee of the plan fund.*

18(1) The Corporation is governed by a board of directors appointed under section 19.

(4) The board of directors shall appoint an auditor for the Corporation.

19(1) A sponsor organization, or a group of sponsor organizations referred to in section 4(5), that has authority under section 4(1), or under rules made by the Sponsor Board under section 7(2)(a), to appoint one or more members of the Sponsor Board may appoint the same number of members to the board of directors.

(2) To be eligible to become or remain a director, an individual

- (a) must be at least 18 years of age, and*
- (b) must not be a member of the Sponsor Board.*

(3) Before appointing a director, a sponsor organization shall comply with any applicable rules made by the Sponsor Board under section 7(1)(a).

(4) A sponsor organization appoints a director by giving notice to the Corporation.

(5) A sponsor organization that has authority to appoint a director may by notice to the Corporation terminate the appointment of the relevant director.

(d) by repealing section 18(4);

(e) by repealing section 19 and substituting the following:

Appointment of directors

19(1) Subject to subsections (2) to (6), the Lieutenant Governor in Council shall appoint the members of the board of directors, and the board of directors shall consist of the same number of individuals that may be appointed to the Sponsor Board.

(2) A sponsor organization, or a group of sponsor organizations referred to in section 4(5), that has authority under section 4(1), or under rules made by the Sponsor Board under section 7(2)(a), to appoint one or more members of the Sponsor Board must nominate the same number of individuals for appointment to the board of directors.

(3) On a vacancy, or prior to an expected vacancy, of a director position, the sponsor organization that is responsible for nominating to that position must, as soon as reasonably practicable, submit a nomination in writing to the Minister for consideration by the Lieutenant Governor in Council.

(4) In making an appointment, the Lieutenant Governor in Council shall have regard to the desirability of having a board of directors that is comprised of individuals who, in the aggregate, have the full range of skills, knowledge and experience necessary to be able to effectively lead the Corporation in carrying out its roles, responsibilities and authorities under this Schedule.

(5) If the Lieutenant Governor in Council rejects a nomination made by a sponsor organization, the sponsor organization must submit a new nomination in accordance with subsection (3).

(6) To be eligible to become or remain a director, an individual

(a) must be at least 18 years of age, and

(b) must not be a member of the Sponsor Board.

(6) The Sponsor Board may by resolution and subsequent notice to the Corporation terminate the appointment of a director for misconduct while serving as a director.

20(1) A director shall be appointed for a fixed term not exceeding 3 years and may be reappointed.

(3) A director ceases to hold office when

(b) the director's appointment is terminated under section 19(5) or (6).

21(1) The board of directors may make bylaws governing the business and affairs of the Corporation, including bylaws

(2) To the extent the board of directors has not made bylaws under subsection (1) that are applicable, the following provisions govern:

(a) if the board of directors has not made a bylaw with respect to the designation of a chair and a vice-chair of the board of directors, the directors appointed by the employer organizations shall designate the chair and the directors appointed by the employee organizations shall designate the vice-chair, and the power to designate the chair and vice-chair shall rotate 3 years after the transition date and every 3 years after that period between the directors appointed by the employee organizations and the directors appointed by the employer organizations;

(d) if the board of directors has not made a bylaw with respect to quorum, a majority of the directors appointed by the employee organizations and a majority of the directors appointed by the employer organizations constitute quorum.

28(1) In this section,

(a) "successor employer" means a legal entity that

(i) due to one of the following events occurring after the transition date, becomes the employer of one or more employees who were active members of the Plan immediately prior to the event:

(A) the merger of a participating employer with another legal entity;

(f) in section 20(3)(b) by striking out “under section 19(5) or (6)”;

(g) in section 21(2)

(i) by repealing clause (a) and substituting the following:

(a) if the board of directors has not made a bylaw with respect to the designation of a chair and a vice-chair of the board of directors, the Minister shall designate the chair and the vice-chair;

(ii) in clause (d) by striking out “appointed by the employee organizations and a majority of the directors appointed by the employer organizations constitute” and substituting “constitutes”;

(h) by repealing section 28;

(i) by repealing section 31(5) and (6);

(j) by adding the following after section 31:

Rules superseding the EPPA

31.1(1) Section 20(2)(a) of the EPPA does not apply to the Plan.

(2) No solvency funding requirements prescribed under section 52(2)(a) of the EPPA apply to the Plan.

(3) Notwithstanding any provisions of plan text to the contrary and section 1(1)(k)(i) of the EPPA, in relation to benefits that a person is or may become entitled to receive under a benefit formula provision of the Plan, “commuted value” means the actuarial present value of those benefits determined

(a) using the actuarial assumptions used in the current actuarial valuation report to determine the going concern liabilities value of the Plan or any simplified actuarial assumptions that reasonably reflect the actuarial assumptions used in the current actuarial valuation report to determine the going concern liabilities value of the Plan, and

(B) the continuation of a participating employer as the legal entity;

(C) the transfer or assignment of all or a divisible part of the activities or undertakings of a participating employer to the legal entity,

and

(ii) was not a participating employer prior to the event described in subclause (i);

(b) “succession event” means the occurrence of an event described in clause (a)(i).

(2) On a succession event,

(a) subject to any rules made by the Sponsor Board under section 8 and any prior contrary determination by the Sponsor Board, a successor employer becomes a participating employer, and

(b) if clause (a) applies, the following employees of the successor employer continue or become members of the Plan:

(i) employees who were active members of the Plan immediately prior to the succession event;

(ii) if a majority of the employees of the successor employer, taking into account the employees referred to in subclause (i), are active members of the Plan, all of the remaining employees who are eligible in accordance with the plan text, unless otherwise determined by the Sponsor Board.

(3) If a successor employer becomes a participating employer in accordance with subsection (2)(a), but subsection (2)(b)(ii) does not apply, then notwithstanding the EPPA, the provisions of plan text and any rules made by the Sponsor Board, employees of a successor employer, other than those described in subsection (2)(b)(i), shall not be members of the Plan unless

(a) their participation is approved by the successor employer and the Sponsor Board, or

(b) the participation of those employees in the Plan is mandated by any applicable law relating to collective bargaining.

- (b) on the basis of actuarial assumptions and methods that are appropriate and in accordance with accepted actuarial practice.
- (4) Notwithstanding section 32(3)(a) and any provisions of plan text to the contrary, section 57 of the EPPA applies to the Plan.
- (5) For the purpose of subsection (3),
 - (a) “benefits” and “benefit formula provision” have the same meaning as under the EPPA, and
 - (b) “actuarial valuation report” has the same meaning as under the regulations under the EPPA.
- (6) Subsections (3) and (4) have effect on April 1, 2020.
- (k) in section 40
 - (i) in subsection (1)
 - (A) in clause (b) by striking out “appointed” and substituting “nominated”;
 - (B) in clause (h) by striking out “and officers of the Corporation” wherever it occurs;
 - (ii) in subsection (2)(b) by striking out “Corporation” and substituting “disclosure of director compensation”;
- (l) by adding the following after section 41:

Part 6 Transitional Provisions

Definition

42 In this Part, “former provisions” means the provisions of this Schedule in force immediately before the coming into force of this Part.

(4) A participating employer shall provide notice to the Corporation on becoming aware that an anticipated event or course of action involving the participating employer may constitute a succession event.

(5) The Sponsor Board may retroactively revoke a successor employer's status as a participating employer if

- (a) neither the Sponsor Board nor the Corporation received at least 30 days' prior notice of the succession event, and*
- (b) notice of revocation is given to the successor employer by the later of*
 - (i) 90 days after the Sponsor Board or the Corporation received notice of the succession event, and*
 - (ii) 90 days after the succession event.*

31(1) On the transition date, the Plan is deemed to be registered as a pension plan under Part 4 of the EPPA.

(5) Section 20(2)(a) of the EPPA does not apply to the Plan.

(6) No solvency funding requirements prescribed under section 52(2)(a) of the EPPA apply to the Plan.

40(1) The Corporation shall maintain a publicly accessible website and disclose the following information on that website:

- (b) a listing of the current board of directors, including the names of the sponsor organizations that appointed the directors;*
- (h) compensation paid to directors and officers of the Corporation and amounts expended by the Corporation for reimbursement of expenses incurred by directors and officers of the Corporation;*

(2) For the purposes of disclosure under subsection (1)(h),

- (b) the disclosure must be posted annually within the same timeframes as would be required if the Public Sector Compensation Transparency Act applied to the Corporation.*

41(1) Any notice to be given under this Schedule to the Sponsor Board or the Corporation, and any service of documents to the

Board of directors composition transition

43(1) An individual who was a director immediately before the coming into force of this Part shall continue as a member of the board of directors until the earlier of

- (a) the expiry of the director's original appointment,
- (b) the resignation of the director,
- (c) the removal of the director in accordance with subsection (2), and
- (d) the director becoming ineligible to be a director.

(2) An individual who continues as a member of the board of directors under subsection (1) may be removed by notice in writing to the Corporation

- (a) by the sponsor organization that appointed the member, or
- (b) for misconduct while serving as a director, by resolution of the Sponsor Board.

(3) The Corporation must, in respect of each director continued as a member of the board of directors under subsection (1),

- (a) on request, advise the Minister in writing of the date and term of that director's appointment, and
- (b) promptly notify the Minister in writing on the resignation, removal or ineligibility of that director.

Pension administration services agreement transition

44(1) The pension services agreement made under the former provisions between the Corporation and Alberta Pensions Services Corporation and effective on March 1, 2019 must be amended by the parties by December 31, 2020, having regard to the requirements of section 16(1).

(2) If the Corporation and Alberta Pensions Services Corporation fail to comply with subsection (1), the pension services agreement is terminated as of December 31, 2020, notwithstanding the provisions of the agreement.

Sponsor Board or the Corporation under any other enactment, is sufficiently given if it is delivered by any means to the Corporation's principal office.

(2) If, following the establishment of the Corporation under section 10, the Corporation has not formally established a principal office, the principal office of the employees of Alberta Pensions Services Corporation who have been assigned to supporting the Pension Board under the former Act is deemed for the time being to be the principal office of the Corporation.

Investment management agreement transition

45(1) The investment management agreement made under the former provisions between the Corporation and Alberta Investment Management Corporation and effective on March 1, 2019 must be amended by the parties by December 31, 2020, having regard to the requirements of section 16.1.

(2) If the Corporation and Alberta Investment Management Corporation fail to comply with subsection (1), the investment management agreement is terminated as of December 31, 2020, notwithstanding the provisions of the agreement.

Local Authorities Capital Financing Act

Enacts SA 2019 cL-20.8

26 The *Local Authorities Capital Financing Act* as set out in the Schedule is enacted and may be cited as chapter L-20.8 of the Statutes of Alberta, 2019.

Local Authorities Election Act

Amends RSA 2000 cL-21

27(1) The *Local Authorities Election Act* is amended by this section.

(2) Section 190(1) is amended by striking out “appointed under the *Election Act*” and substituting “as defined in the *Election Act*”.

(3) Section 199 is amended

(a) by striking out “Election Commissioner” and substituting “Chief Electoral Officer”;

(b) by striking out “Election Commissioner’s website” and substituting “Chief Electoral Officer’s website”.

(4) Section 202 is repealed and the following is substituted:

Notice of prosecution

202 No prosecution shall be instituted under Part 5.1 or 8 without the consent of

Local Authorities Capital Financing Act

26 Enacts chapter L-20.8 of the Statutes of Alberta, 2019.

Local Authorities Election Act

27(1) Amends chapter L-21 of the Revised Statutes of Alberta 2000.

(2) Section 190(1) presently reads:

190(1) In this Part, “Election Commissioner” means the Election Commissioner appointed under the Election Act.

(3) Section 199 presently reads:

199 The Election Commissioner may publish a notice on the Election Commissioner’s website that sets out the contracting party’s name, the act or omission in question and a summary of the compliance agreement.

(4) Section 202 presently reads:

202 No prosecution shall be instituted under Part 5.1 or 8 without the consent of the Election Commissioner.

- (a) the Election Commissioner before the coming into force of section 153.093(1) of the *Election Act*, or
- (b) the Chief Electoral Officer under the *Election Act* after the coming into force of section 153.093(1) of that Act.

(5) Section 203 is amended

- (a) **in subsection (1) by striking out** “is or was employed or engaged by the Office of the Election Commissioner” **and substituting** “was employed or engaged by the Office of the Election Commissioner”;
- (b) **in subsection (3) by striking out** “Election Commissioner’s website” **and substituting** “Chief Electoral Officer’s website”.

Mental Health Act

Amends RSA 2000 cM-13

28(1) The *Mental Health Act* is amended by this section.

(2) Section 34(4) is amended

- (a) **by adding “and” at the end of clause (b);**
- (b) **by repealing clause (c).**

(5) *Section 203 presently reads in part:*

203(1) Except as provided in subsection (2), a secretary of a local jurisdiction, a returning officer, the Election Commissioner, any former secretary of a local jurisdiction, any former returning officer, any former Election Commissioner, every person who is or was employed or engaged by a local jurisdiction or a returning officer to carry out the duties of the local jurisdiction or returning officer and every person who is or was employed or engaged by the Office of the Election Commissioner to carry out the duties of the Election Commissioner shall maintain the confidentiality of all information, complaints and allegations that come to their knowledge.

(3) Findings and decisions, and any additional information that the Election Commissioner considers to be appropriate, shall be published on the Election Commissioner's website in the following circumstances:

- (a) subject to section 194(2), if an administrative penalty is imposed or a letter of reprimand is issued under section 193;*
- (b) if the Election Commissioner has provided notice under section 192(4) and receives a written request for disclosure from a person or organization who received the notice.*

Mental Health Act

28(1) Amends chapter M-13 of the Revised Statutes of Alberta 2000.

(2) Section 34(4) presently reads:

(4) A review panel shall be composed of

- (a) the chair or a vice-chair,*
- (b) a psychiatrist,*

(3) Section 35 is amended

- (a) in subsection (1) by striking out “4” and substituting “3”;**
- (b) in subsection (2) by striking out “, and in the event of a tie vote, the chair or vice-chair has a 2nd vote”.**

(4) Section 37 is amended

(a) by adding the following after subsection (2):

(2.1) A review panel may conduct a hearing by any one or more of the following methods as mutually agreed on by the applicant and the chair of the review panel:

- (a) in person;
- (b) by telephone;
- (c) by video conference or any other means of telecommunication.

(b) in subsection (3) by striking out “personally”.

(5) Section 39(2) is amended by striking out “first time” and substituting “second time”.

(6) Subsections (2) and (3) have effect on January 1, 2020.

(7) Subsections (4) and (5) have effect on March 1, 2020.

(c) a physician, and

(d) a member of the general public.

(3) Section 35 presently reads in part:

35(1) A quorum for a review panel is the 4 members referred to in section 34(4).

(2) Each member of the review panel is entitled to one vote, and in the event of a tie vote, the chair or vice-chair has a 2nd vote.

(4) Section 37 presently reads in part:

(2) All proceedings of a review panel shall be conducted in private and, subject to subsection (3), no person has the right to be present without the prior consent of the chair.

(3) The applicant and the applicant's representative have the right to be personally present during the presentation of any evidence to the review panel and to cross-examine any person who presents evidence to the review panel.

(5) Section 39(2) presently reads:

(2) When a community treatment order is renewed for the first time, and at the time of every 2nd renewal after that until the community treatment order expires or is cancelled, unless the person, the person's agent, the person's guardian or another person on the person's behalf has made an application for review within the month preceding any of those renewals, the person who is subject to the community treatment order is deemed to have applied to the chair of the appropriate review panel, who shall cause the review panel to hear and consider cancellation of the community treatment order.

(6) Coming into force.

(7) Coming into force.

Northern Alberta Development Council Act

Amends RSA 2000 cN-4

29(1) The *Northern Alberta Development Council Act* is amended by this section.

(2) Section 4 is amended by striking out “not less than 8 and not more than 10” and substituting “not more than 7”.

Personal Information Protection Act

Amends SA 2003 cP-6.5

30(1) The *Personal Information Protection Act* is amended by this section.

(2) Section 4(3)(g)(iii.1) is repealed.

Pharmacy and Drug Act

Amends RSA 2000 cP-13

31(1) The *Pharmacy and Drug Act* is amended by this section.

(2) Section 1(1)(j)(vi) is amended by striking out “as defined in the *Social Care Facilities Review Committee Act*” and substituting “as defined in section 1(1)(f.1)(ii) and (iii) of the *Protection for Persons in Care Act*”.

Northern Alberta Development Council Act

29(1) Amends chapter N-4 of the Revised Statutes of Alberta 2000.

(2) Section 4 presently reads:

4 The Council shall be composed of not less than 8 and not more than 10 members appointed by the Lieutenant Governor in Council, one of whom must be designated as chair.

Personal Information Protection Act

30(1) Amends chapter P-6.5 of the Statutes of Alberta, 2003.

(2) Section 4(3)(g)(iii.1) presently reads:

(3) This Act does not apply to the following:

(g) the collection, use or disclosure of personal information by the following officers of the Legislature if the collection, use or disclosure, as the case may be, relates to the exercise of that officer's functions under an enactment:

(iii.1) the Election Commissioner;

Pharmacy and Drug Act

31(1) Amends chapter P-13 of the Revised Statutes of Alberta 2000.

(2) Section 1(1)(j) presently reads in part:

1(1) In this Act,

(j) "institution pharmacy" means a pharmacy that is operated by

(vi) a facility as defined in the Social Care Facilities Review Committee Act,

Post-secondary Learning Act

Amends SA 2003 cP-19.5

32(1) The *Post-secondary Learning Act* is amended by this section.

(2) The heading preceding section 107.1 and section 107.1 are repealed.

Protection for Persons in Care Act

Amends SA 2009 cP-29.1

33(1) The *Protection for Persons in Care Act* is amended by this section.

(2) Section 1(1) is amended

(a) by adding the following after clause (f):

(f.1) “facility” means

(i) a facility designated under the *Mental Health Act*,

Post-secondary Learning Act

32(1) Amends chapter P-19.5 of the Statutes of Alberta, 2003.

(2) The heading preceding section 107.1 and section 107.1 presently read:

Campus Alberta Strategic Directions Committee

107.1(1) The Campus Alberta Strategic Directions Committee is established to provide advice to the Minister respecting issues related to Campus Alberta as required by the Minister.

(2) The Minister is the chair of the Campus Alberta Strategic Directions Committee.

(3) The Minister may appoint, or provide for the manner of the appointment of, the members of the Campus Alberta Strategic Directions Committee and may prescribe the term of office of any member.

(4) The Campus Alberta Strategic Directions Committee may make rules 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.

(5) The Campus Alberta Strategic Directions Committee may exercise the powers and shall perform the duties and functions that the Minister approves or confers or imposes on it.

Protection for Persons in Care Act

33(1) Amends chapter P-29.1 of the Statutes of Alberta, 2009.

(2) Section 1(1) presently reads in part:

1(1) In this Act,

(f) “Director” means the Director designated under section 4;

(m) “service provider” means

(ii) a facility that provides care, treatment or shelter and that is funded, wholly or partly, by the Department of Children's Services, or

(iii) the premises where a child care program that is licensed under the *Child Care Licensing Act* is offered or provided;

(b) in clause (m)

(i) **in subclause (iii) by striking out** "designated under the *Mental Health Act*";

(ii) **by adding "or" at the end of subclause (v);**

(iii) **by repealing subclause (vi).**

Public Inquiries Act

Amends RSA 2000 cP-39

34(1) The *Public Inquiries Act* is amended by this section.

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

(i) a facility that provides care, treatment or shelter and that is funded, wholly or partly, by the Department of Children's Services,

(i.1) the premises where a child care program that is licensed under the *Child Care Licensing Act* is offered or provided,

- (iii) *a facility designated under the Mental Health Act,*
- (v) *a hostel or other establishment operated to provide accommodation and maintenance for unemployed or indigent persons,*
- (vi) *a facility as defined in the Social Care Facilities Review Committee Act, or*

Public Inquiries Act

34(1) Amends chapter P-39 of the Revised Statutes of Alberta 2000.

(2) Section 7(2)(b) presently reads in part:

(2) In this section,

(b) “public building” includes

- (i) a facility as defined in the Social Care Facilities Review Committee Act,*

**Public Interest Disclosure
(Whistleblower Protection) Act**

Amends SA 2012 cP-39.5

35(1) The *Public Interest Disclosure (Whistleblower Protection) Act* is amended by this section.

(2) Section 1 is amended by repealing clauses (d)(iv.1) and (i)(iv.1).

**Public Sector Compensation
Transparency Act**

Amends SA 2015 cP-40.5

36(1) The *Public Sector Compensation Transparency Act* is amended by this section.

(2) Section 1(j)(iv.1) is repealed.

Public Service Act

Amends RSA 2000 cP-42

37(1) The *Public Service Act* is amended by this section.

(2) Section 1 is amended by repealing clauses (c)(iv.1) and (d)(iv.1).

**Public Interest Disclosure
(Whistleblower Protection) Act**

35(1) Amends chapter P-39.5 of the Statutes of Alberta, 2012.

(2) Section 1 presently reads in part:

1 In this Act,

(d) “department head” means

*(iv.1) the Election Commissioner with respect to the Office of
the Election Commissioner,*

(i) “office of the Legislature” means

(iv.1) the Office of the Election Commissioner,

**Public Sector Compensation
Transparency Act**

36(1) Amends chapter P-40.5 of the Statutes of Alberta, 2015.

(2) Section 1(j)(iv.1) presently reads:

1 In this Act,

(j) “Office of the Legislature” means

(iv.1) the Office of the Election Commissioner,

Public Service Act

37(1) Amends chapter P-42 of the Revised Statutes of Alberta
2000.

(2) Section 1 presently reads in part:

1 In this Act,

(c) “department head” means

(3) Section 2(2) is amended by striking out “the Election Commissioner,”.

Public Service Employee Relations Act

Amends RSA 2000 cP-43

38(1) The *Public Service Employee Relations Act* is amended by this section.

(2) Section 12(1)(g)(iii.1) is repealed.

(iv.1) the Election Commissioner with respect to the Office of the Election Commissioner,

(d) “deputy head” means

(iv.1) the Election Commissioner with respect to the Office of the Election Commissioner,

(3) Section 2(2) presently reads:

(2) The Auditor General, the Chief Electoral Officer, the Election Commissioner, the Ombudsman, the Ethics Commissioner, the Information and Privacy Commissioner, the Child and Youth Advocate, the Public Interest Commissioner and the chair of the Labour Relations Board shall be considered as employees for the purposes of this Act except in relation to their appointment, salary and tenure of office or any other conditions prescribed by the Act under which they are appointed.

Public Service Employee Relations Act

38(1) Amends chapter P-43 of the Revised Statutes of Alberta 2000.

(2) Section 12(1)(g)(iii.1) presently reads:

12(1) A person employed by an employer

(g) in any of the following:

(iii.1) the Office of the Election Commissioner,

shall not be included in a bargaining unit or any other unit for collective bargaining.

**Reform of Agencies, Boards and
Commissions Compensation Act**

Amends SA 2016 cR-8.5

39(1) The *Reform of Agencies, Boards and Commissions Compensation Act* is amended by this section.

(2) The Schedule is amended by striking out “Alberta Sport Connection”.

**Reform of Agencies, Boards and
Commissions Compensation Act**

39(1) Amends chapter R-8.5 of the Statutes of Alberta, 2016.

(2) The Schedule presently reads:

Schedule

Public Agencies

Agriculture Financial Services Corporation
Alberta Energy Regulator
Alberta Enterprise Corporation
Alberta Gaming, Liquor and Cannabis Commission
Alberta Health Services
Alberta Human Rights Commission
Alberta Innovates
Alberta Investment Management Corporation
Alberta Motor Vehicle Industry Council
Alberta Pensions Services Corporation
Alberta Petroleum Marketing Commission
Alberta Securities Commission
Alberta Sport Connection
Alberta Utilities Commission
Appeals Commission under the Workers' Compensation Act
ATB Financial
Balancing Pool
The Board of Governors of Alberta University of the Arts
The Board of Governors of Bow Valley College
The Board of Governors of Grande Prairie Regional College
The Board of Governors of Grant MacEwan University
The Board of Governors of Keyano College
The Board of Governors of Lakeland College
The Board of Governors of Lethbridge College
The Board of Governors of Medicine Hat College
The Board of Governors of Mount Royal University
The Board of Governors of NorQuest College
Board of Governors of Northern Alberta Institute of Technology
The Board of Governors of Northern Lakes College
The Board of Governors of Olds College
The Board of Governors of Portage College
The Board of Governors of Red Deer College
Board of Governors of Southern Alberta Institute of Technology

(3) This section has effect on March 31, 2020.

Security Services and Investigators Act

Amends SA 2008 cS-4.7

40(1) The *Security Services and Investigators Act* is amended by this section.

(2) Section 10(o) is amended by striking out “the Election Commissioner,”.

Credit Union Deposit Guarantee Corporation
Energy Efficiency Alberta
Fair Practices Office
The Governors of Athabasca University
The Governors of The University of Alberta
The Governors of The University of Calgary
The Governors of The University of Lethbridge
Health Quality Council of Alberta
Independent System Operator
Labour Relations Board
Land Compensation Board
Market Surveillance Administrator
Medical Panels Office
Municipal Government Board
Natural Resources Conservation Board
New Home Buyer Protection Board
Surface Rights Board
Teachers' Pension Plans Board of Trustees
Travel Alberta
The Workers' Compensation Board

(3) Coming into force.

Security Services and Investigators Act

40(1) Amends chapter S-4.7 of the Statutes of Alberta, 2008.

(2) Section 10(o) presently reads:

10 The following persons and classes of persons are exempt from the requirement to be licensed under this Act and the regulations:

- (o) an officer of the Legislature, including the Auditor General, the Ombudsman, the Chief Electoral Officer, the Election Commissioner, the Ethics Commissioner, the Information and Privacy Commissioner, the Child and Youth Advocate and the Public Interest Commissioner, while acting within the scope of that person's office and any person employed or engaged in any of those offices while acting within the scope of that employment or engagement capacity;*

Social Care Facilities Review Committee Act

Repeals RSA 2000 cS-11

41 The *Social Care Facilities Review Committee Act* is repealed.

Teachers' Pension Plans Act

Amends RSA 2000 cT-1

42(1) The *Teachers' Pension Plans Act* is amended by this section.

(2) The following is added after section 17:

Investment of Board funds

17.1(1) The Board shall establish a statement of investment policies and goals having regard to any restrictions on investment set out in the regulations.

(2) The Board shall ensure that the Pension Funds are invested in accordance with the statement of investment policies and goals.

Investment management services

17.2(1) The Board is a designated entity under section 6(1) of the *Alberta Investment Management Corporation Act* in respect of the Pension Funds.

(2) Subject to subsections (4) and (5), the Board shall, through an investment management agreement,

- (a) engage Alberta Investment Management Corporation as the exclusive provider to the Board of investment management services in respect of the Pension Funds, and
- (b) ensure that all investments of the Pension Funds are managed by Alberta Investment Management Corporation.

(3) The investment management agreement must take effect as soon as possible, but no later than June 30, 2020 or such later date as set by order of the Finance Minister.

Social Care Facilities Review Committee Act

41 Repeals chapter S-11 of the Revised Statutes of Alberta 2000.

Teachers' Pension Plans Act

42(1) Amends chapter T-1 of the Revised Statutes of Alberta 2000.

(2) Investment of Board funds; investment management services; transfer of investment management services.

(4) The Board may exclude investments of the Pension Funds from an investment management agreement under subsection (2) if the funds invested are reasonably required to meet the Board's expected current liabilities and operating expenses.

(5) The Finance Minister may by order authorize the Board to exclude from an investment management agreement under subsection (2), for a fixed or indefinite period of time, specific investments or classes of investments of the Pension Funds but such investments must not make up more than 10% of the total value of the Board's investments at the time the order is made, excluding investments made under subsection (4).

Transfer of investment management services

17.3(1) Subject to section 17.2(4) and (5), the Board shall, in conjunction with Alberta Investment Management Corporation, establish as soon as possible, but no later than December 31, 2020, a plan to transfer the management of the following investments to Alberta Investment Management Corporation:

- (a) investments made by the Board itself;
- (b) investments made by or through any other person.

(2) For the purposes of section 17.2(2)(b), the Board shall transfer the management of the investments referred to in subsection (1) as soon as possible after the parties enter into an investment management agreement and in any case no later than December 31, 2021.

(3) The Finance Minister may by order, subject to any terms and conditions that the Finance Minister considers appropriate,

- (a) extend a deadline referred to in subsection (1) or (2), or
- (b) direct the Board to transfer the management of any investments referred to in subsection (1) to Alberta Investment Management Corporation if
 - (i) the parties fail to establish a plan under subsection (1), or

- (ii) in the Finance Minister's opinion, the parties fail to make sufficient progress towards the transfer of the management of investments under subsection (2).

Travel Alberta Act

Amends SA 2008 cT-6.5

43(1) The *Travel Alberta Act* is amended by this section.

(2) Section 4(1) is amended by striking out “not fewer than 7 and not more than 11” and substituting “not more than 7”.

Workers' Compensation Act

Amends RSA 2000 cW-15

44(1) The *Workers' Compensation Act* is amended by this section.

(2) Section 92 is repealed and the following is substituted:

Investment of Board funds

92(1) With respect to any funds arising under this Act or under the Board's control, the Board has the authority to invest in, sell and reinvest in any securities or other investments in accordance with this section and section 92.1.

(2) The Board shall adhere to prudent investment standards in making investment decisions.

(3) For the purposes of subsection (2), prudent investment standards are those that, in the overall context of an investment portfolio, a reasonably prudent person would apply to investments made on behalf of another person with whom there exists a fiduciary relationship to make those investments, without undue risk of loss or impairment and with a reasonable expectation of fair return or appreciation.

(4) The Board shall establish a statement of investment policies and goals that complies with subsection (2).

Travel Alberta Act

43(1) Amends chapter T-6.5 of the Statutes of Alberta, 2008.

(2) Section 4 presently reads in part:

4(1) There shall be a board of directors consisting of not fewer than 7 and not more than 11 members appointed by the Lieutenant Governor in Council.

Workers' Compensation Act

44(1) Amends chapter W-15 of the Revised Statutes of Alberta 2000.

(2) Section 92 presently reads:

92(1) With respect to any funds arising under this Act or under the Board's control, the Board has exclusive authority to invest in, sell and reinvest in any securities or other investments as it considers to be expedient.

(2) The Board may borrow from a bank, insurance company, loan corporation, trust corporation or treasury branch.

(5) The Board shall ensure that all funds arising under this Act or under the Board's control are invested in accordance with the statement of investment policies and goals.

Investment management services

92.1(1) The Board is a designated entity under section 6(1) of the *Alberta Investment Management Corporation Act* in respect of the funds arising under this Act or under the Board's control.

(2) Subject to subsections (4) and (5), the Board shall, through an investment management agreement,

- (a) engage Alberta Investment Management Corporation as the exclusive provider to the Board of investment management services in respect of all funds arising under this Act or under the Board's control, and
- (b) ensure that all investments of the funds arising under this Act or under the Board's control are managed by Alberta Investment Management Corporation.

(3) The investment management agreement must take effect as soon as possible, but no later than June 30, 2020 or such later date as set by order of the President of Treasury Board and Minister of Finance.

(4) The Board may exclude investments of funds arising under this Act or under the Board's control from an investment management agreement under subsection (2) if the funds invested are reasonably required to meet the Board's expected current liabilities and operating expenses.

(5) The President of Treasury Board and Minister of Finance may by order authorize the Board to exclude from an investment management agreement under subsection (2), for a fixed or an indefinite period of time, specific investments or classes of investments of funds arising under this Act or under the Board's control but such investments must not make up more than 10% of the total value of the Board's investments at the time the order is made, excluding investments made under subsection (4).

Transfer of investment management services

92.2(1) Subject to section 92.1(4) and (5), the Board shall, in conjunction with Alberta Investment Management Corporation, establish as soon as possible, but no later than December 31, 2020, a plan to transfer the management of the following investments to Alberta Investment Management Corporation:

- (a) investments made by the Board itself;
- (b) investments made by or through any other person.

(2) For the purposes of section 92.1(2)(b), the Board shall transfer the management of the investments referred to in subsection (1) as soon as possible after the parties enter into an investment management agreement and in any case no later than December 31, 2021.

(3) The President of Treasury Board and Minister of Finance may by order, subject to any terms and conditions that the President of Treasury Board and Minister of Finance considers appropriate,

- (a) extend a deadline referred to in subsection (1) or (2), or
- (b) direct the Board to transfer the management of any investments referred to in subsection (1) to Alberta Investment Management Corporation if
 - (i) the parties fail to establish a plan under subsection (1), or
 - (ii) in the opinion of the President of Treasury Board and Minister of Finance, the parties fail to make sufficient progress towards the transfer of the management of investments under subsection (2).

Borrowing powers

92.3 The Board may borrow from a bank, insurance company, loan corporation, trust corporation or treasury branch.

Schedule
**Local Authorities Capital
Financing Act**

Chapter L-20.8

Table of Contents

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Interpretation

1(1) In this Act,

- (a) “educational authority” means
 - (i) the board of trustees of a school division under the *Education Act*,
 - (ii) the board of governors of a comprehensive community college under the *Post-secondary Learning Act*,
 - (iii) the board of governors of a polytechnic institution under the *Post-secondary Learning Act*,
 - (iv) the board of governors of a university under the *Post-secondary Learning Act*,

- (v) the Board of Governors of The Banff Centre under the *Post-secondary Learning Act*, or
 - (vi) The Board of the Northland School Division under the *Northland School Division Act*;
- (b) “health authority” means
- (i) a non-profit corporation, other than a regional health authority, that owns an approved hospital under the *Hospitals Act*,
 - (ii) a non-profit corporation, other than a regional health authority, that owns a mental health hospital under the *Hospitals Act*,
 - (iii) a regional health authority under the *Regional Health Authorities Act*, or
 - (iv) a provincial health board that is a corporation under the *Regional Health Authorities Act*;
- (c) “improvement district” means, with respect to borrowing from the Minister under this Act, the Government of Alberta as represented by the Minister responsible for improvement districts;
- (d) “local authority” means a city, an educational authority, a health authority, a municipal authority, a regional authority or a town;
- (e) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (f) “municipal authority” means
- (i) an improvement district,
 - (ii) a Metis settlement,
 - (iii) a municipal district,
 - (iv) a special area, or

- (v) a specialized municipality;
 - (g) “regional authority” means
 - (i) the board of trustees of a drainage district under the *Drainage Districts Act*,
 - (ii) an irrigation district under the *Irrigation Districts Act*,
 - (iii) a regional airports authority created under the *Regional Airports Authority Act*,
 - (iv) a regional services commission established under the *Municipal Government Act*, or
 - (v) a growth management board established under the *Municipal Government Act*;
 - (h) “securities” includes bonds, debentures, guaranteed investment certificates or receipts, certificates of deposit, deposit receipts, bills, notes and mortgages of real or personal property;
 - (i) “special area” means, with respect to borrowing from the Minister under this Act, the Government of Alberta as represented by the Minister responsible for special areas.
- (2)** A reference in this Act
- (a) to a city, municipal district, specialized municipality, improvement district or special area is a reference to a city, municipal district, specialized municipality, improvement district or special area under the *Municipal Government Act*, and
 - (b) to a town is a reference to a town, village or summer village under the *Municipal Government Act* and includes a reference to a town under the *Parks Towns Act*.

Loans and financial services

2(1) Subject to the regulations, the Minister may make a loan to a local authority for the purpose of financing or refinancing new or existing capital projects or assets, public works, buildings or structures.

(2) The Minister may determine whether a specific project, undertaking or asset is considered a capital project or asset for the purposes of subsection (1).

(3) The Minister may, if authorized by the Lieutenant Governor in Council in the regulations, provide other financial services to a local authority, including

- (a) acting as a financial agent or otherwise for a local authority in negotiating loans or refinancing securities of the local authority or in any other capacity authorized by the regulations, and
- (b) providing, in addition to any financial services referred to in clause (a) and subsection (1), any other financial services prescribed by the Lieutenant Governor in Council in the regulations.

Limit on lending

3 The Minister shall not make a loan to a local authority if, at the time the loan is made, that loan would cause the total principal amount of all outstanding loans made by the Minister under this Act to exceed the amount prescribed by the regulations.

Borrowing by local authorities

4(1) A local authority may borrow from the Minister in any form or manner and on any terms that are acceptable to the Minister.

(2) Nothing in this section relieves a local authority from compliance with any statutory requirement relating to any borrowing by the local authority.

Financial Administration Act

5 Section 42.1 of the *Financial Administration Act* does not apply to loans made under this Act.

Regulations

6 The Lieutenant Governor in Council may make regulations

- (a) prescribing the total principal amount of outstanding loans that may not be exceeded under section 3;

- (b) authorizing the Minister to provide other financial services to local authorities and prescribing the financial services the Minister is authorized to provide;
- (c) respecting any matter that the Lieutenant Governor in Council considers necessary or advisable to carry out the intent and purpose of this Act.

Previous names

7(1) Any reference to the Alberta Municipal Financing Corporation or the Alberta Capital Finance Authority in

- (a) any contract or other agreement,
- (b) any commercial, financial or other document,
- (c) any document registered in a registry operated or maintained by Alberta Registries or any other registry, document recording system, information recording system, information bank, data bank or similar system that is operated by the Government of Alberta,
- (d) any document filed with or issued by a court or otherwise used in any legal proceeding, or
- (e) any enactment,

is deemed to be a reference to the Minister.

(2) Any reference to the *Alberta Municipal Financing Corporation Act* or the *Alberta Capital Finance Authority Act* is deemed to be a reference to the *Local Authorities Capital Financing Act*.

**Transitional Provisions, Consequential
Amendment, Repeal and
Coming into Force**

Dissolution of Alberta Capital Finance Authority

8(1) The Alberta Capital Finance Authority is dissolved.

(2) On the coming into force of subsection (1), the following applies:

- (a) the property, assets, rights, obligations, liabilities, powers, duties and functions of the Alberta Capital Finance Authority become the property, assets, rights, obligations, liabilities, powers, duties and functions of the Minister;
- (b) an existing cause of action, claim or liability to prosecution of, by or against the Alberta Capital Finance Authority is unaffected by the coming into force of this section and may be continued by or against the Minister;
- (c) a civil, criminal or administrative action or proceeding pending by or against the Alberta Capital Finance Authority may be continued by or against the Minister;
- (d) a ruling, order or judgment in favour of or against the Alberta Capital Finance Authority may be enforced by or against the Minister.

(3) Section 95 of the *Financial Administration Act* does not apply in respect of subsection (2).

Transitional regulations

9(1) The Lieutenant Governor in Council may make regulations

- (a) respecting the transition of any of the powers, duties or functions of the Alberta Capital Finance Authority on its dissolution;
- (b) to remedy any confusion, difficulty, inconsistency or impossibility resulting from the dissolution of the Alberta Capital Finance Authority.

(2) A regulation made under subsection (1) may be made retroactive to the extent set out in the regulation.

Amends RSA 2000 cC-23

10 The *Conflicts of Interest Act* is amended in Part 3 of the Schedule by striking out “Alberta Capital Finance Authority”.

Repeals RSA 2000 cA-14.5

11 The *Alberta Capital Finance Authority Act* is repealed.

Coming into force

12 This Act comes into force on Proclamation.

10 Amends chapter C-23 of the Revised Statutes of Alberta 2000.

11 Repeals chapter A-14.5 of the Revised Statutes of Alberta 2000.

12 Coming into force.

RECORD OF DEBATE

Stage	Date	Member	From	To

		Questions and Comments	From	To

Stage	Date	Member	From	To

		Questions and Comments	From	To

Stage	Date	Member	From	To

		Questions and Comments	From	To

Stage	Date	Member	From	To

		Questions and Comments	From	To