



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(3) Section 4 is repealed and the following is substituted: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(4) Sections 6 to 9 are repealed.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