

1967 Bill Pr. 1

Fifth Session, 15th Legislature, 15 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL Pr. 1

An Act to amend The Alberta Wheat Pool Act, 1929

MR. SAYERS

First Reading

Second Reading

Third Reading

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An Act to amend The Alberta Wheat Pool Act, 1929

(Assented to _____, 1967)

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

- Short title **1.** This Act may be cited as *The Alberta Wheat Pool Act, 1929 amendment Act, 1967*.
- 1929, c. 73 **2.** *The Alberta Wheat Pool Act, 1929*, being chapter 73 of the Statutes of Alberta, 1929 is hereby amended.
- Enacts s. 21a **3.** The following section is added after section 21:
- Procedure for amendment to Act **21a.** A petition to the Legislative Assembly of the Province of Alberta for amendment to this Act may only be made by Alberta Wheat Pool upon compliance with all provisions for the amendment or repeal of by-laws of the delegates whether contained in the said by-laws or in this Act.
- Amends s. 40 **4.** Section 40 is amended by striking out clause (h) and by substituting the following:
- Purchase of reserves from corporate members (h) from corporate members which have ceased to farm or to hold any interest in land capable of producing grain or seed in the Province of Alberta or those parts of British Columbia and Saskatchewan served by the facilities of Alberta Pool Elevators Limited and from corporate members which have been or are being dissolved, liquidated or wound up, and which have ceased to carry on business except for the purposes of such dissolution, liquidation or winding up;
- Amends s. 47 **5.** Section 47, clause (b) is amended by striking out the words "and (g)" and by substituting the words "(g) and (h)".
- Commencement of Act **6.** This Act comes into force on the day upon which it is assented to.

Explanatory Notes

2. This Bill amends chapter 73 of the Statutes of Alberta, 1929.

3. A new section 21a is added. At present a petition to amend the Act may be made on a simple majority resolution of the delegates. The by-laws of Alberta Wheat Pool provide that amendments to by-laws may only be made on a 3/5 favourable vote by the delegates. It was felt that petitions for amendments to the Act should likewise be made on such 3/5 vote.

4. Section 40, clause (h) of The Alberta Wheat Pool Act, which permits the purchase of reserves from corporate members which are being dissolved, liquidated or wound up is amended. Clause (h) presently reads:

40. (1) When authorized by resolution of the delegates the Pool may use the commercial and elevator reserves or any earnings in its hands which have resulted from the use thereof to buy commercial and elevator reserves, or either of them, which were accumulated by deduction under the marketing agreements, First and Second Series, or by operation of section 35 (b) hereof,

.....
(h) from corporate members which have been or are being dissolved, liquidated or wound up and which have ceased to carry on business except for the purposes of such dissolution, liquidation or winding up;

.....
This section made no provision for the purchase of reserves from corporate members who had ceased to farm or held interest in farm lands and accordingly it was felt desirable to amend the existing section so as to permit the purchase of reserves from such corporate members.

5. Because of the amendments to section 40, clause (h) a consequential amendment to section 47 is necessary in order to make it clear that the directors may cancel the membership of a corporate member whose reserves have been acquired by reason of their ceasing to farm or holding any interest in land. Clause (b) of section 47 presently reads:

47. The Board of Directors may by resolution cancel the membership of any signer of the marketing agreement, First or Second Series,

.....
(b) whose reserves have been acquired by the Pool under section 40, subsections (d), (e) and (g).