

1979 BILL 234

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First Session, 19th Legislature, 28 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

**BILL 234**

**AN ACT TO AMEND THE ALBERTA HERITAGE SAVINGS  
TRUST FUND ACT**

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MR. NOTLEY

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First Reading -----

Second Reading -----

Committee of the Whole -----

Third Reading -----

Royal Assent -----

Bill 234  
Mr. Notley

## BILL 234

1979

### AN ACT TO AMEND THE ALBERTA HERITAGE SAVINGS TRUST FUND ACT

(Assented to \_\_\_\_\_, 1979)

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

1. *The Alberta Heritage Savings Trust Fund Act is amended by this Act.*

2. *Section 1 is amended by adding after clause (d):*

- (e) "corporation" means a corporation with or without share capital;
- (f) "foreign controlled corporation" means
  - (i) a corporation incorporated elsewhere than in Canada,
  - (ii) in the case of a public corporation whose shares are not traded on a stock exchange in Canada or in the case of a private corporation, a corporation
    - (A) the percentage of foreign ownership of which is 50% or greater, or
    - (B) that is one of a succession of corporations the outstanding shares of each of which are more than 50% owned by its predecessor in the succession if the outstanding shares of any of the corporations in the succession are more than 50% owned by one or more ineligible persons or by one or more corporations the percentage of foreign ownership of which is 50% or greater, or any combination thereof, or
  - (iii) in the case of a public corporation whose shares are traded on a stock exchange in Canada, a corporation
    - (A) less than  $\frac{2}{3}$  of whose directors are Canadian citizens or permanent residents, or
    - (B) in which 50% or more of its outstanding shares are held in blocks of 5% or more by ineligible persons or corporations, the percentage of foreign ownership of which is 50% or greater;

### **Explanatory Notes**

- 1.** This Bill will amend chapter 2 of the Statutes of Alberta, 1972.
- 2.** Amends section 1 by adding new definitions.

- (g) “ineligible person” means
  - (i) an individual who is not a Canadian citizen or a permanent resident,
  - (ii) the government of a country other than Canada, a political subdivision of a country other than Canada or any agency of such government or political subdivision, or
  - (iii) a corporation incorporated elsewhere than in Canada;
- (h) “permanent resident” means a permanent resident within the meaning of the Immigration Act, 1976 (*Canada*);
- (i) “public corporation” means a corporation incorporated under the laws of Canada or a province of Canada that is not a private corporation;

3. *Section 6 is amended*

(a) *is subsection (3) by adding after clause (a):*

- (a.1) shall not be made in the bonds, mortgages, debentures or other evidences of indebtedness of or guaranteed by a foreign controlled corporation or an individual who is not a Canadian citizen or a permanent resident,

(b) *in subsection (4) by adding after clause (a):*

- (a.1) shall not be made in the bonds, mortgages, debentures or other evidences of indebtedness of or guaranteed by a foreign controlled corporation or an individual who is not a Canadian citizen or a permanent resident.

4. *Section 9(1)(f) is amended by adding “that is not a foreign controlled operation” after “by any corporation”.*

5. *This Act comes into force on the day upon which it is assented to.*

**3. Section 6(3) and (4) presently read:**

6. (3) Investments referred to in subsection (1), clause (b)
- (a) shall be made or approved by the Investment Committee in accordance with the directions contained in any resolution of the Legislative Assembly,
  - (b) in the absence of any such directions, shall be made only with the approval of the Investment Committee,
  - (c) shall not exceed 15 per cent of the assets of the Trust Fund, and
  - (d) shall form the Canada Investment Division of the Trust Fund.
- (4) Investments referred to in subsection (1), clause (c)
- (a) shall be made or approved by the Investment Committee in accordance with the directions contained in any resolution of the Legislative Assembly,
  - (b) in the absence of any such directions, shall be made with the approval of the Investment Committee, and
  - (c) shall form the Alberta Investment Division of the Fund.

**4. Section 9(1) presently reads:**

9. (1) Notwithstanding section 6, where any moneys in the Trust Fund have not been or are not being invested pursuant to that section, the Provincial Treasurer may invest and may re-invest those moneys in any or all of the following:
- (a) the bonds, debentures or other evidences of indebtedness of, or guaranteed as to the repayment of principal and interest by, the Government of Canada, the government of any province of Canada or any municipal corporation in Canada;
  - (b) the bonds, debentures or other evidences of indebtedness of or guaranteed as to the repayment of principal and interest by the government of a country other than Canada;
  - (c) the bonds, debentures or other evidences of indebtedness of any agent of the Crown in right of Alberta;
  - (d) certificates of deposit, deposit receipts or other evidences of indebtedness given by a chartered bank or treasury branch in consideration of a deposit or deposits made with the bank or treasury branch;
  - (e) certificates of deposit, deposit receipts or other evidences of indebtedness which are unconditionally guaranteed by a chartered bank;
  - (f) the bonds, debentures or other evidences of indebtedness of or guaranteed by any corporation, if those bonds, debentures or other evidences of indebtedness are authorized investments under section 63, subsection (1) of the **Canadian and British Insurance Companies Act**;
  - (g) mortgages or hypothecs of real estate or leaseholds in Canada if the amount paid for the mortgage or hypothec together with the amount of indebtedness under any mortgage or hypothec on the real estate or leasehold ranking equally with or superior to the mortgage or hypothec in which the investment is made does not exceed three-quarters of the value of the real estate or leasehold covered thereby;
  - (h) mortgages or hypothecs of real estate or leaseholds in Canada notwithstanding that the mortgage or hypothec exceeds the amount authorized under clause (g) if the excess is guaranteed or insured by, or through an agency of, the Government of Canada or a province of Canada, or by an insurance company approved by the Treasury Board.