

1980 BILL 69

Second Session, 19th Legislature, 29 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 69

THE IRRIGATION AMENDMENT ACT, 1980

MR. THOMPSON

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 69
Mr. Thompson

BILL 69

1980

THE IRRIGATION AMENDMENT ACT, 1980

(Assented to _____ *, 1980)*

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

1 The Irrigation Act is amended by this Act.

2 Section 2(1) is amended by adding the following after clause 13:

13.1 "Land Compensation Board" means the Land Compensation Board constituted under *The Expropriation Act*;

3 Section 29 is amended by renumbering it as section 29(1) and by adding the following after subsection (1):

(2) Notwithstanding subsection (1), an officer or director of a company that is authorized to carry on business in Alberta is qualified

(a) to be nominated and elected to the board,

(b) to be appointed to the board, or

(c) to remain as an elected or appointed member of the board,

if the company meets the requirements of section 31(2) and if, at the time of the nomination, election or appointment, the company consents in writing to the nomination, election or appointment, as the case may be, and the officer or director meets the requirements of subsection (1)(b), (c) and (d).

Explanatory Notes

1 This Bill will amend chapter 192 of the Revised Statutes of Alberta 1970.

2 Definition.

3 Section 29 presently reads:

29 A person is not qualified to be elected as or remain as an elected member of the board of a district unless he is

(a) a water user of the district,

(b) able to read and write in the English language,

(c) a resident of Alberta,

(d) not indebted to the district for any amount shown on the collector's roll for more than one calendar year immediately preceding the year in which he is elected,

(e) in a district in which there are electoral districts, a water user in respect of land in the electoral district for which he is elected, where the election of directors is to be or was by electoral districts, and

(f) not otherwise disqualified under section 30 or 31.

4 *Section 31 is amended*

(a) *by repealing clause (b);*

(b) *by renumbering section 31 as section 31(1) and by adding the following after subsection (1):*

(2) An officer or director consented to by a company under section 29(2) may not be nominated, elected or appointed to or remain as an elected or appointed member of, a board, if the company

(a) is not or ceases to be a water user of the district;

(b) in a district where there are electoral districts, ceases to be a water user in respect of land in the electoral district where the person is elected;

(c) is or becomes indebted to the district for any amount shown on the collector's roll for more than one calendar year;

(d) is a party to or has a pecuniary interest, whether direct or indirect, in a subsisting contract with the board of the district under which money of the district is payable or may become payable for any work, service, matter or thing unless the contract is excluded under section 30(2)(a)(ii), (b), (c), (d), (e), (f) or (g);

(e) makes use of information that is obtained through an officer or director described in section 29(2) who is a member of a board and that is not available to the public generally, to make a profit either directly or indirectly;

(f) ceases to be authorized to carry on business in Alberta;

(g) has its certificate of incorporation or its certificate of registration, under *The Companies Act*, suspended, revoked or cancelled;

(h) is the subject of a winding up order made by a court;

(i) is in the hands of a liquidator or receiver appointed by a court;

(j) resolves to voluntarily wind up its affairs.

5 *Section 33(2) is amended by adding “, or” at the end of clause (d) and by adding the following after clause (d):*

(e) in respect of a member described in section 29(2), on any

4 Section 31 presently reads:

31 A person is not qualified to be elected or appointed or to remain a member of the board if he

(a) is convicted under this Act of making a false statement in his acceptance of nomination, or

(b) is convicted of an indictable offence, until a period of three years has elapsed after his conviction, or

(c) makes use of specific information gained through his position as a member of a board and not available to the public generally to make a personal profit either directly or indirectly, or

(d) absents himself, without being authorized by resolution of the board to do so, from three consecutive regular monthly meetings of the board.

5 Section 33(2) presently reads:

(2) A member of the board shall not vote in the board

question that relates specifically or substantially to the company that designated him and is not of general application to the district.

6 Section 35 is amended

(a) in subsection (4) by striking out “section 31, clause (c)” and substituting “section 31(1)(c)”;

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

(4.1) If a judge declares a director disqualified because of a breach of section 31(2)(e), he may order the company that consented to the officer or director under section 29(2) to pay any profit so made to the board.

7 In the following provisions “Public Utilities Board” is struck out wherever it occurs and “Land Compensation Board” is substituted:

section 132(h);
section 172(6);
section 173(1), (4) and (5);
section 175(1), (2), (3), (4), (6) and (8);
section 176(1) and (2);
section 177(2).

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

(a) on any question

*(i) affecting a private company of which he is a shareholder,
or*

*(ii) affecting a public company in which he holds more than
1 per cent of the number of shares issued, or*

*(iii) affecting a partnership or firm of which he is a member,
or*

(iv) affecting a company of which he is a director, or

*(b) on a contract for the sale of goods, merchandise or services
to which he is a party, or*

*(c) on a question affecting his selling or leasing of land or interest
in land to the board, or*

*(d) on any question in which he has a direct or indirect personal
interest.*

6 Section 35(4) presently reads:

*(4) Where a judge declares a director disqualified for a breach of
section 31, clause (c), he may order the disqualified director to pay the
total amount of any profit so made to the board.*

7 The Land Compensation Board is being substituted for the Public Utilities Board.