

1986 BILL 14

First Session, 21st Legislature, 35 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 14

SMALL BUSINESS TERM ASSISTANCE FUND ACT

THE PROVINCIAL TREASURER

First Reading
Second Reading
Committee of the Whole
Third Reading
Royal Assent

Bill 14

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SMALL BUSINESS TERM ASSISTANCE FUND ACT

(Assented to , 1986)

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

Definitions

1 In this Act,

- (a) "Fund" means the Small Business Term Assistance Fund established under section 3;
- (b) "lending institution" means an institution designated pursuant to section 11;
- (c) "money" includes negotiable instruments;
- (d) "negotiable instrument" includes a cheque, draft, traveller's cheque, postal note, money order, postal remittance, bill of exchange payable on demand or any other similar instrument.

Purpose

2 The purpose of this Act is to facilitate loans to small businesses in Alberta.

Establishment of Fund

3(1) There is hereby established a fund to be known as the Small Business Term Assistance Fund.

(2) The Provincial Treasurer shall hold and administer the Fund in accordance with this Act and the regulations.

	<p>(3) The Provincial Treasurer shall establish and maintain a separate accounting record for the Fund.</p> <p>(4) The Provincial Treasurer shall deposit into the Fund money raised under the authority of section 61(1)(b.01) of the <i>Financial Administration Act</i>.</p>
Advances and transfers	<p>4(1) The Provincial Treasurer may advance money required for the purpose of this Act to the Fund from the General Revenue Fund.</p> <p>(2) If at any time it appears to the Provincial Treasurer that there is money in the Fund that is not required for the purpose of this Act, the Provincial Treasurer may transfer the money to the General Revenue Fund.</p> <p>(3) Any outstanding advances to the Fund from the General Revenue Fund are reduced by a transfer of money made under subsection (2).</p>
Other payments into Fund	<p>5(1) The income earned by the Fund accrues to and forms part of the Fund.</p> <p>(2) Money paid to the Provincial Treasurer</p> <p>(a) pursuant to an agreement under section 10 between a lending institution and the Provincial Treasurer, or</p> <p>(b) in respect of deposits or investments made from the Fund</p> <p>accrues to and forms part of the Fund.</p>
Payments out of Fund	<p>6 In addition to money required to be paid from the Fund under section 69(2)(g.2) of the <i>Financial Administration Act</i>, the Provincial Treasurer shall pay from the Fund money required to make</p> <p>(a) deposits in lending institutions, and</p> <p>(b) any other payments to lending institutions</p> <p>pursuant to agreements entered into under section 10.</p>
Insufficient money	<p>7 If the Fund at any time has insufficient money available to make payments that are required pursuant to this Act or section 69(2)(g.2) of the <i>Financial Administration Act</i>, the Provincial Treasurer shall pay from the General Revenue Fund into the Fund the amount of the insufficiency.</p>
Surplus money	<p>8 The Provincial Treasurer may invest, in accordance with the investment powers for the General Revenue Fund set out in Part 5 of the <i>Financial Administration Act</i>, money forming part of the Small Business Term Assistance Fund that is not immediately required for the purposes of the Fund.</p>
CCITF	<p>9 The Provincial Treasurer may be designated as a depositor, on behalf of the Fund, in the Consolidated Cash Investment Trust Fund.</p>
Agreements	<p>10 The Provincial Treasurer may enter into agreements with lending institutions for the purpose of this Act.</p>

Designation
of lending
institutions

11 The Lieutenant Governor in Council may by order designate lending institutions with which the Provincial Treasurer may enter into agreements under section 10.

Guarantee
of loans

12 Subject to the regulations, the Provincial Treasurer may, for the purpose of this Act, make guarantees to lending institutions in respect of loans made in accordance with this Act.

Regulations

13(1) The Lieutenant Governor in Council may make regulations

(a) respecting the loans to be made by lending institutions to small businesses in accordance with this Act including, without limitation, regulations respecting the following matters:

- (i) the purposes for which a loan may be made;
- (ii) the criteria for eligibility for a loan;
- (iii) limitations on the amount of a loan or class of loan that may be made to an individual borrower;
- (iv) the interest payable under a loan;
- (v) the time and manner of repayment of a loan;
- (vi) any other terms or conditions under which a loan may be made or to which a loan is subject;

(b) prescribing the maximum aggregate amount of loans for the purposes of section 14;

(c) respecting the guarantee by the Provincial Treasurer of loans made by lending institutions to small businesses in accordance with this Act including, without limitation, regulations respecting the following matters:

- (i) the loans that are eligible to be guaranteed;
- (ii) the nature and extent of a guarantee;
- (iii) who may execute a guarantee;
- (iv) any other terms or conditions under which a guarantee may be given or to which a guarantee is subject.

(2) Regulations under subsection (1) may be made effective from a date not earlier than July 1, 1986.

Termination
of program

14(1) When the Lieutenant Governor in Council, on the report and recommendation of the Provincial Treasurer, determines that the aggregate amount of loans made in accordance with this Act is approaching the maximum aggregate amount prescribed in the regulations, the Lieutenant Governor in Council may by order fix a date, or the manner of determining a date, after which no further loans may be authorized under the regulations.

(2) Subject to subsection (3) no loans may be authorized after

- (a) June 30, 1989, or
- (b) the date fixed or determined in an order under subsection (1), whichever is earlier.