

1996 BILL 9

Fourth Session, 23rd Legislature, 45 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 9

AGRICULTURAL SOCIETIES AMENDMENT ACT, 1996

MR. HAVELOCK

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 9
Mr. Havelock

BILL 9

1996

AGRICULTURAL SOCIETIES AMENDMENT ACT, 1996

(Assented to _____, 1996)

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

Amends RSA
1980 cA-12

1 *The Agricultural Societies Act is amended by this Act.*

2 *Section 1(c) is repealed and the following is substituted:*

(c) "society" means

(i) an agricultural society organized under this Act or
under *The Agricultural Societies Ordinance of 1903*
or any earlier ordinance relating to agricultural
societies,

(ii) Calgary Exhibition and Stampede Ltd.,

(iii) Edmonton Northlands,

(iv) Westerner Exposition Association,

(v) Medicine Hat Exhibition and Stampede Company
Ltd.,

(vi) Lethbridge and District Exhibition.

3 *The following is added after section 1:*

Application of
this Act

1.1 Only sections 9.1, 21, 25, 29, 31, 33 and 43 apply to
agricultural societies listed in section 1(c)(ii) to (vi).

4 *Section 2 is repealed and the following is substituted:*

Explanatory Notes

1 Amends chapter A-12 of the Revised Statutes of Alberta 1980.

2 Section 1(c) presently reads:

1 In this Act,

(c) “society” means an agricultural society organized under this Act or under The Agricultural Societies Ordinance of 1903 or any earlier ordinance relating to agricultural societies.

3 Application.

4 Section 2 presently reads:

Object of a society

2 The object of a society is to encourage improvement in agriculture and in the quality of life of persons living in an agricultural community by developing programs, services and facilities based on needs in the agricultural community.

Persons eligible for membership

5 Section 8(1) is repealed and the following is substituted:

8(1) A person who meets the requirements set out in the by-laws of a society may become a member of the society on paying to the treasurer a membership fee of not less than \$1.

6 The following is added after section 9:

2 The objects of a society shall be to encourage improvement in agriculture, horticulture, homemaking and the quality of life in the agricultural community

- (a) by holding meetings for lectures and demonstrations and for the discussion of subjects connected with the theory and practice of any of those pursuits;*
- (b) by promoting and encouraging conservation of natural resources, including soil conservation, reforestation and rural beautification;*
- (c) by holding exhibitions or competitions at which prizes may be awarded for
 - (i) excellence in the raising or introduction of livestock,*
 - (ii) the production of grains and all kinds of vegetables, plants, flowers and fruits,*
 - (iii) proficiency in farming and homemaking operations and in skills related thereto,*
 - (iv) the invention or improvement of agricultural machines or implements,*
 - (v) home manufactures and works of art, and*
 - (vi) excellence in agricultural production or operation;**
- (d) by holding auctions or other sales of farm products, home manufactures and products and works of art;*
- (e) by developing activities to encourage and interest boys and girls in the work of agricultural societies;*
- (f) by supporting and co-operating with other associations and organizations to improve farm production;*
- (g) by supporting or providing facilities to encourage activities intended to enrich rural life;*
- (h) by conducting or promoting horse races when authorized to do so by a by-law of the society.*

5 Section 8(1) presently reads:

8(1) A person who would have been qualified to sign an application for the formation of a society may become a member of the society at any time on payment to the treasurer of a membership fee of not less than \$1.

6 New section.

Mailing list

9.1 A society must maintain a current mailing list of its members.

7 Section 10 is repealed and the following is substituted:

Board of directors

10(1) The board of directors of a society must consist of

- (a) the president of the society,
- (b) a vice-president of the society, and
- (c) not fewer than 10 other persons,

who must be elected or appointed in accordance with the by-laws of the society.

(2) Only those members of the society who have paid their membership fee for the year are eligible

- (a) to be elected or appointed as a director for that year, or
- (b) to vote at an election of directors for that year.

8 Section 11 is repealed.

9 Section 14 is repealed and the following is substituted:

Secretary and treasurer

14 The directors of a society may appoint a secretary-treasurer or a secretary and a treasurer, who may be directors of the society and who hold office for the term set out in the by-laws.

10 Section 16 is amended by striking out “section 13(2)” and substituting “section 10(2)”.

11 Section 17 is repealed and the following is substituted:

7 Section 10 presently reads:

10(1) The board of directors of a society shall consist of

(a) the president who shall be the chief officer of the society,

(b) 2 vice-presidents, and

(c) not less than 9 other directors.

(2) The president and vice-presidents shall be elected or appointed in accordance with the by-laws of the society and the other directors of the society shall be elected in accordance with the by-laws of the society.

(3) Only those members of the society who have paid their membership fees for the ensuing year are qualified to be elected as or to vote at an election for a director of the society.

8 Section 11 presently reads:

11 For the purposes of enabling persons to join the society and of receiving membership fees, the secretary of the society shall be present at the place appointed for the holding of the annual meeting during the hour immediately preceding the time for which the meeting is called.

9 Section 14 presently reads:

14 The directors may appoint a secretary-treasurer or a secretary and a treasurer who may be directors of the society and who hold office only during pleasure.

10 Section 16 presently reads:

16 If the office of a director becomes vacant before his term of office expires, the remaining directors shall appoint a person who is eligible under section 13(2) to be elected as a director to fill the vacancy for the unexpired term.

11 Section 17 presently reads:

Annual
meeting

17 Each society shall hold an annual meeting at the time and place set by the directors.

12 Section 18(2) is repealed and the following is substituted:

(2) The notice must be given to all members of the society.

13 Section 21 is repealed and the following is substituted:

Directors'
reports and
statements

21 The directors shall present to the annual meeting the following reports and statements relating to the society's financial year that has just ended:

- (a) a report of the directors' activities in that year;
- (b) a list of members of the society at the end of that year;
- (c) financial statements prepared in accordance with the regulations;
- (d) a report listing and giving a brief description of each activity carried out by the society in that year.

14 Section 23 is repealed and the following is substituted:

Meetings of
the directors

23(1) Directors must be given at least 2 weeks' notice of all regular meetings of the directors.

(2) In exceptional circumstances, a meeting of the directors may be called on less than 2 weeks' notice.

17 A society shall hold its annual meeting on or before December 20 in each year at the time and place determined by the directors.

12 Section 18 presently reads:

18(1) The secretary shall give at least 2 weeks' notice of the place and time of holding an annual or other meeting of a society and such additional notice as the directors may decide.

(2) The notice shall be written or printed and shall be mailed to each member of the society.

13 Section 21 presently reads:

21 The directors shall present to the annual meeting

(a) a report of their proceedings for the current financial year with such remarks and suggestions on the state of agricultural development in the district as they see fit to offer;

(b) a statement showing the name, occupation and post office address of each member and opposite his name the amount of his subscription to the society for the current financial year;

(c) a detailed statement, certified by the auditor, of the receipts and expenditures of the society for the current financial year;

(d) a statement, certified by the auditor, of the assets and liabilities of the society;

(e) a report of each activity carried out by the society during the current financial year giving a brief description of the activity, the number who participated and the names of the persons who officiated;

(f) a separate statement for each activity referred to in clause (e) showing the amount offered and the amount actually paid out in prizes or awards and the number of entries in each class.

14 Section 23 presently reads:

23 Directors' meetings shall be held on written notice mailed to each officer by the secretary, under instructions from the president, or in his absence, from a vice-president, at least 10 days before the day appointed for the meeting.

15 *Section 24 is repealed and the following is substituted:*

Quorum

24(1) The quorum at a meeting of the society is 10 members or any greater number set out in the by-laws.

(2) The quorum at a meeting of the directors of the society is 5 directors or any greater number set out in the by-laws.

16 *Section 25 is repealed and the following is substituted:*

Information to
be delivered to
Director

25 Not later than January 15 following the annual meeting of a society, the secretary of the society shall deliver to the Director

(a) a list of the persons elected at the annual meeting as officers of the society, and

(b) a copy or summary of each report and statement presented to the annual meeting.

17 *Section 26 is repealed and the following is substituted:*

By-law

26(1) Each society must have by-laws for the general management of the society.

(2) The by-laws may be made or amended only at an annual meeting or at a special meeting called for that purpose.

(3) A copy of the by-laws must be sent to the Director as soon as possible after they are enacted.

18 *Section 28 is amended*

15 Section 24 presently reads:

24 Ten members at a meeting of the society and 5 directors at a meeting of the directors constitute a quorum.

16 Section 25 presently reads:

25 The secretary of a society shall

(a) on or before January 15 of the year next following an annual meeting of the society, and

(b) on the forms provided by the Director for the purpose,

deliver to the Director a list of the officers elected at the annual meeting and a copy or summary of each report and statement presented at the meeting.

17 Section 26 presently reads:

26(1) At an annual meeting or at a special meeting called for that purpose the members of a society may make by-laws for the general management of the society.

(2) A copy of the by-laws shall forthwith after the enactment thereof be transmitted by the society to the Director.

(3) Subject to the by-laws of the society, the directors may act for and on behalf of the society and all grants and other funds of the society shall be received and expended under their direction.

(4) If a society

(a) does not have any by-laws, or

(b) has by-laws that, in the opinion of the Director, are insufficient for the management of the society,

the Director may, by written notice to the society, require the society to enact, within the time specified in the notice, by-laws that, in the opinion of the Director, are sufficient for the management of the society.

(5) Where a society does not comply with a notice given under subsection (4), the Director may, on 60 days' written notice to the society, cancel that society's certificate of incorporation.

18 Section 28 presently reads:

(a) by adding the following after subsection (1):

(1.1) Subject to the by-laws of the society, the directors are authorized to receive and expend grants and other funds of the society on behalf of the society.

(1.2) The directors are authorized to invest the funds of the society that are not immediately required in any investment in which a trustee may invest trust money under the *Trustee Act*.

(b) by repealing subsection (3) and substituting the following:

(3) The cheques of a society must be signed by any 2 of the following:

(a) the president;

(b) a vice-president;

(c) the treasurer or the secretary-treasurer, as the case may be.

19 Sections 29 and 30 are repealed and the following is substituted:

Exhibitions

29(1) A society may hold an exhibition at the time and place set by the directors at a meeting called for that purpose.

(2) If a society proposes to hold an exhibition at which prizes are to be awarded, the prize list shall be sent to the Director at least 6 weeks before the date on which the exhibition is to be held.

28(1) The funds of a society, however derived, shall not be expended for objects inconsistent with those authorized by this Act.

(2) The funds of a society shall be deposited from time to time to the credit of the society in a bank or other similar institution.

(3) The cheques of a society shall be signed by the president or a vice-president and the treasurer or secretary-treasurer.

19 Sections 29 and 30 presently read:

29(1) An exhibition may be held by

(a) a society,

(b) a company organized for the purpose of holding an exhibition, or

(c) a board of management organized under section 31,

at the time and place decided on by the directors at a meeting called for that purpose.

(2) No society, company or board of management shall hold a fair, exhibition or horse race within 80 kilometres of the place where an existing society, company or board of management regularly holds a fair or exhibition unless

(a) it has the consent in writing of the Director, or

(b) it held its fair or exhibition at that place in the year 1948.

30 *Whenever*

(a) a society,

20 Section 31(2), (3) and (4) are repealed.

21 The following is added after the heading “**Dissolution of Societies**”:

Resolution
dissolving a
society

38.1(1) A society may, at a special meeting of the society, pass a resolution dissolving the society.

(2) Members of the society must be given at least 30 days’ notice of the special meeting.

(3) A copy of the resolution dissolving a society must be provided to the Director.

22 Section 39 is amended by adding “or if a resolution has been passed in accordance with section 38.1,” after “operation”.

(b) a company organized for the purpose of holding an exhibition, or

(c) a board of management organized under section 31

proposes to hold an exhibition at which prizes are to be awarded, the prize list shall be sent to the Director at least 6 weeks before the date on which the exhibition is to be held.

20 Section 31 presently reads:

31(1) Two or more societies may by agreement between their respective boards of directors amalgamate their funds or any portion thereof for the purpose of developing and operating a facility or for the purpose of holding a joint agricultural or livestock exhibition or other activity or event with objects similar to those of an agricultural society as specified in section 2.

(2) In the case of an amalgamation of funds under subsection (1),

(a) the directors of the societies, or

(b) delegates appointed for the purpose by each board of directors,

shall meet and shall elect from among their number a president and first and 2nd vice-president, a secretary-treasurer and at least 8 persons who, with the officers so elected, shall be a board of management and shall have the charge and management of the proposed facility, exhibition or other activity.

(3) The directors or delegates and members of the board of management may vote at all meetings in person or by proxy.

(4) One or more auditors shall be appointed at the meeting of the directors or delegates to examine and report on the accounts of the board of management and the report shall be presented by the directors of each society taking part in the joint facility, joint exhibition or other activity at the next annual meeting of their society.

21 New section allowing a society to initiate its own dissolution.

22 Section 39 presently reads:

23 *Section 43 is amended*

(a) *by repealing subsection (1)(a), (b) and (e);*

(b) *by adding the following after subsection (1):*

(1.1) The Minister may make regulations

(a) **respecting the preparation of financial statements;**

(b) **respecting the maintenance of books and records of societies;**

(c) **governing the management of activities carried out by societies;**

(d) **prescribing forms for the purposes of this Act.**

24 *Section 13 comes into force on Proclamation.*

39 When the Director is satisfied that a society is no longer in operation he may on 60 days' written notice to the society cancel that society's certificate of incorporation.

23 Section 43(1) presently reads:

43(1) The Lieutenant Governor in Council may make regulations

- (a) respecting the maintenance of books and records of societies;*
- (b) governing the management of activities carried out by societies;*
- (c) governing the borrowings of societies;*
- (d) governing the giving of guarantees under this Act by the Government for the repayment of loans made to societies and companies;*
- (e) prescribing forms for the purposes of this Act.*

24 Coming into force.