

1996 BILL 37

Fourth Session, 23rd Legislature, 45 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 37

ABC BENEFITS CORPORATION ACT

MR. YANKOWSKY

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 37

1996

ABC BENEFITS CORPORATION ACT

(Assented to , 1996)

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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) "board" means the board of directors of the Corporation;
- (b) "Corporation" means the ABC Benefits Corporation continued under section 2;
- (c) "Minister" means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act.

ABC Benefits Corporation	<p>2(1) The Board of Trustees of the Alberta Blue Cross Plan is continued as a not-for-profit corporation with the name “ABC Benefits Corporation”.</p> <p>(2) To carry out its purposes the Corporation has the capacity and, subject to this Act and the regulations, the rights, powers and privileges of a natural person.</p>
Purposes of Corporation	<p>3 The purposes of the Corporation are</p> <p>(a) to initiate, own, participate in or operate projects, plans or programs, and to provide related services, that are intended or designed to improve the health and well-being of the residents of Alberta and other customers of the Corporation;</p> <p>(b) to provide or arrange for the provision of supplementary health benefit programs and related or associated benefit programs and services;</p> <p>(c) subject to this Act, to continue the operation of the Alberta Blue Cross Plan.</p>
Board of directors	<p>4(1) The Corporation shall be governed by a board of directors.</p> <p>(2) The board shall consist of the number of members determined under the regulations and the members shall be appointed in the manner provided for in the regulations.</p>
No distribution of assets	<p>5 The Corporation shall not distribute surplus assets or earnings to the members of the board or to any of the officers or employees of the Corporation.</p>
Disposition of operations, assets	<p>6(1) The Corporation shall not dispose of any part of its operations as a going concern except</p> <p>(a) with the prior consent of the Lieutenant Governor in Council,</p> <p>(b) pursuant to an order of the Lieutenant Governor in Council under subsection (2), or</p> <p>(c) as part of the winding-up of the Corporation.</p> <p>(2) The Lieutenant Governor in Council may by order direct the Corporation to dispose of</p>

(a) all or part of its property, assets, liabilities or obligations,
or

(b) all or part of its operations as a going concern.

(3) An order under subsection (1)(a) or (2) may be made subject to any terms and conditions, and may contain any terms and conditions, respecting the disposition that the Lieutenant Governor in Council considers appropriate.

By-laws	<p>7(1) The board may make by-laws respecting the conduct of the business and affairs of the Corporation.</p> <p>(2) By-laws made under subsection (1) must not be inconsistent with this Act or the regulations.</p> <p>(3) The <i>Regulations Act</i> does not apply to by-laws made under this section.</p>
Head office	<p>8 The Corporation shall maintain its head office in Alberta.</p>
Auditor	<p>9 The Corporation shall appoint a qualified person as auditor of the Corporation.</p>
Annual report	<p>10 The Corporation shall, not later than 120 days after the end of each fiscal year, prepare and submit to the Minister in a form that is acceptable to the Minister an annual report for the fiscal year that includes the Corporation's audited financial statements and any other information required by the Minister.</p>
Information to Minister	<p>11 The Corporation shall on the written request of the Minister provide to the Minister within the time specified in the request any reports, returns or other information relative to the operations of the Corporation that is specified in the request.</p>
Insurance Act does not apply	<p>12 The <i>Insurance Act</i> does not apply in respect of the Corporation's operation of the Alberta Blue Cross Plan.</p>
Regulations	<p>13 The Lieutenant Governor in Council may make regulations</p> <p>(a) governing, prohibiting and restricting the Corporation's exercise of its powers, the carrying out of its purposes and the performance of its duties under this Act;</p>

- (b) respecting the number of members on the board and providing for all things related to the nomination and appointment of members of the board;
- (c) respecting the payment of remuneration and expenses to members of the board;
- (d) governing the winding-up of the Corporation.

Transitional **14(1)** *The persons who are members of the Board of Trustees of the Alberta Blue Cross Plan immediately before the coming into force of this section continue as the members of the board of directors of the Corporation until their appointments expire or they are reappointed under this Act.*

(2) *On the coming into force of this section all of the rights, powers, property, assets, obligations and liabilities of the Provincial Health Authorities of Alberta in respect of the operation of the Alberta Blue Cross Plan are vested in and become the rights, powers, property, assets, obligations and liabilities of the Corporation.*

(3) *If a question arises as to the application of subsection (2) with respect to a particular right, power, property, asset, obligation or liability, the matter shall be referred to the Minister, whose decision is final.*

Consequential amendments **15(1)** *The Alberta Health Care Insurance Act is amended*

(a) in section 1

(i) by renumbering clause (a) as clause (a.1) and by adding the following before clause (a.1):

(a) “ABC Benefits Corporation” means the ABC Benefits Corporation continued under the ABC Benefits Corporation Act;

(ii) in clause (c) by striking out “Provincial Health Authorities of Alberta” and substituting “ABC Benefits Corporation”;

(b) in section 37(1) by striking out “Provincial Health Authorities of Alberta” wherever it occurs and substituting “ABC Benefits Corporation”.

(2) *The Health Insurance Premiums Act is amended in section 1(c) by striking out “Provincial Health Authorities of Alberta” and*

substituting “ABC Benefits Corporation continued under the ABC Benefits Corporation Act”.

(3) *The Provincial Health Authorities of Alberta Act is amended*

(a) by repealing section 1(d);

(b) in section 5

(i) by striking out “, subject to section 10.”;

(ii) in clause (c) by adding “and” at the end of subclause (iv), by striking out “and” at the end of subclause (v) and by repealing subclause (vi);

(c) by repealing sections 9 and 10.

Coming into
force

16 *This Act comes into force on Proclamation.*