

1998 BILL 40

Second Session, 24th Legislature, 47 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 40

~~SENATORIAL SELECTION AMENDMENT ACT, 1998~~

THE MINISTER OF INTERGOVERNMENTAL
AND ABORIGINAL AFFAIRS

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 40

1998

SENATORIAL SELECTION AMENDMENT ACT, 1998

(Assented to _____, 1998)

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

Amends SA
1989 cS-11.5

1 The *Senatorial Selection Act* is amended by this Act.

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

- (f) "Senate nominee" means a person declared elected under this Act.

3 Section 3 is repealed and the following is substituted:

Submission to
Privy Council

3(1) The Government of Alberta shall submit the names of the Senate nominees to the Queen's Privy Council for Canada as persons who may be summoned to the Senate of Canada for the purpose of filling vacancies relating to Alberta.

(2) A person remains as a Senate nominee until

- (a) the person is appointed to the Senate of Canada,
(b) the person resigns as a Senate nominee by submitting a resignation in writing to the Minister of Intergovernmental and Aboriginal Affairs, or
(c) the person's term as a Senate nominee expires,

whichever occurs first.

4 Section 5 is amended

Explanatory Notes

1 Amends chapter S-11.5 of the Statutes of Alberta, 1989.

2 Definition of Senate nominee.

3 Section 3 presently reads:

3 Persons declared elected under this Act shall have their names submitted by the Government of Alberta to the Queen's Privy Council for Canada as persons who may be summoned to the Senate of Canada for the purpose of filling vacancies relating to Alberta.

4 Section 5 presently reads in part:

(a) in subsection (1) by striking out “If there are one or more vacancies in the Senate of Canada relating to Alberta, an election” **and substituting** “An election under this Act”;

(b) by repealing subsection (4) and substituting the following:

(4) Where an election under this Act is to be held in conjunction with a general election under the *Local Authorities Election Act*, the order under subsection (1)

- (a) shall be made not later than 14 days before nomination day,
- (b) shall appoint nomination day as the day determined in accordance with section 25 of the *Local Authorities Election Act*, and
- (c) shall appoint election day as the day set out in section 10(1)(a) of the *Local Authorities Election Act*, if voting is necessary.

5 Section 29 is amended by adding the following after subsection (2):

(2.1) The Lieutenant Governor in Council may make regulations

- (a) fixing the term of a Senate nominee;
- (b) respecting the duties and functions of a Senate nominee;
- (c) respecting the remuneration and expenses to be paid to a Senate nominee;
- (d) respecting the performance and accountability of a Senate nominee.

5(1) If there are one or more vacancies in the Senate of Canada relating to Alberta, an election may be commenced at any time by the passing of an order of the Lieutenant Governor in Council

- (a) setting out whether the election under this Act is to be held
 - (i) in conjunction with a general election under the Election Act,*
 - (ii) separately on a date provided for in the order, or*
 - (iii) in conjunction with the general elections under the Local Authorities Election Act;**
- (b) authorizing the Lieutenant Governor to issue a writ of election in the prescribed form addressed to the Chief Electoral Officer and prescribing the date of the writ;*
- (c) setting out the number of persons to be elected;*
- (d) appointing nomination day;*
- (e) appointing the day on which voting is to take place if voting is necessary.*

(4) Where an election under this Act is to be held in conjunction with a general election under the Local Authorities Election Act, the order under subsection (1)

- (a) shall be made not later than the 2nd Monday in September,*
- (b) shall appoint the 4th Monday in September as nomination day, and*
- (c) shall appoint the 3rd Monday in October as election day, if voting is necessary.*

5 Regulations in respect of Senate nominees.

6 Section 31(2) is amended by striking out “122 to 128” and substituting “123 to 128”.

7 Section 39 is amended

(a) in subsection (1) by striking out “sections 152” and substituting “sections 153”;

(b) in subsection (2) by striking out “47(2) and (3).”.

8 Section 40 is amended

(a) in subsection (4) by striking out “, new town”;

(b) in subsection (5)

(i) in clause (a) by striking out “, new town”;

(ii) in clause (b) by striking out “, the board of administrators of a new town”;

(iii) by striking out “, board of administrators”;

(c) in subsection (6) by striking out “, board of administrators”.

6 Section 31(2) presently reads:

(2) For the purposes of this Part, sections 36, 37, 51, 52, 53 to 61, 78, 79, 97, 108(5)(a), 122 to 128, 136(5) and (6), 137, 137.1, 147 and 149.1 of the Election Act do not apply.

7 Section 39 presently reads:

39(1) Except as provided in this Part, sections 4, 12 to 20, 35(2), 35(3), Parts 2 and 3 and sections 152 to 159 of the Local Authorities Election Act apply to an election under this Act held in conjunction with the general elections under the Local Authorities Election Act as if it were a general election under the Local Authorities Election Act.

(2) For the purposes of this Part, sections 41 to 44, 47(2) and (3), 49, 50, 62, 63, 70, 71, 73, 88(2) and 95 to 99 of the Local Authorities Election Act do not apply.

(3) Notwithstanding section 1(3) of this Act, words and phrases used in this Part have the meanings given to them in the Local Authorities Election Act.

8 Section 40 presently reads:

40(1) Where an election under this Act is to be held in accordance with this Part, every council, except the council of a summer village, shall conduct a vote of the electors residing in the municipality for the purposes of the election under this Act.

(2) The council shall conduct the vote notwithstanding that a general election under the Local Authorities Election Act is not required in that municipality on that day.

(3) If the council has entered into an agreement with one or more elected authorities in the same area for the conduct of a general election under the Local Authorities Election Act, the elected authority that is responsible for the conduct of the general election under the agreement shall conduct the vote for the purposes of the election under this Act and has all the rights, powers and duties of the council to conduct the vote.

(4) The Minister of Municipal Affairs is responsible for conducting the vote of the electors residing in an improvement district, settlement under The Metis Betterment Act, special area, summer village, new town or Indian reserve or a park as defined in the National Parks Act (Canada) and for the purposes of an election under this Act has all the rights, powers and duties of a council to conduct the vote including the authority to appoint returning officers and other election officers.

9 Section 60 is amended by striking out “December 31, 1999” and substituting “December 31, 2004”.

(5) The Minister of Municipal Affairs may enter into an agreement

(a) with any elected authority in the area or in an area adjacent to the improvement district, settlement under The Metis Betterment Act, special area, summer village, new town or Indian reserve or park as defined in the National Parks Act (Canada), or

(b) with the advisory committee of an improvement district or special area, the board of a settlement association, the board of administrators of a new town or the council of a summer village

to conduct the vote on the Minister's behalf, and the elected authority, advisory committee, board of administrators and council are authorized to enter into such an agreement.

(6) An elected authority, advisory committee, board of administrators, board of a settlement association or council that enters into an agreement under subsection (5) has all the rights, powers and duties of the Minister to conduct the vote.

(7) In accordance with the regulations under section 29, payments shall be made to elected authorities and other bodies that conduct a vote for the purposes of an election under this Act.

9 Section 60 presently reads:

60 This Act expires December 31, 1999.