

2002 BILL 205

Second Session, 25th Legislature, 51 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 205

**SCHOOL TRUSTEE STATUTES
AMENDMENT ACT, 2002**

MRS. O'NEILL

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 205

2002

SCHOOL TRUSTEE STATUTES AMENDMENT ACT, 2002

(Assented to _____, 2002)

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

Local Authorities Election Act

Amends RSA
2000 cL-21

1(1) The *Local Authorities Election Act* is amended by this section.

(2) Section 22 is amended

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

(1.1) A person is not eligible to be nominated as a candidate for election as a trustee of a school board if on nomination day the person is employed by

- (a) a school district or division,
- (b) a charter school, or
- (c) a private school,

in Alberta.

(b) in subsection (3) by striking out “Subsection (1)(c) to (f) do not apply” and substituting “Subsection (1)(b) does not apply”.

School Act

Amends RSA
2000 cS-3

2(1) The *School Act* is amended by this section.

(2) Section 80 is amended by repealing subsection (2) and substituting the following:

(2) For the purposes of this Division except section 81(1), the pecuniary interests of the spouse of a person that are known to the person or of which the person reasonably should know are deemed to be the pecuniary interests of the person.

(3) Section 81 is amended by repealing subsection (1) and substituting the following:

Disclosure of information

81(1) Each trustee of a board shall file with the board's secretary a statement showing

- (a) the names and employment of the trustee and the trustee's spouse and children,
- (b) the names of the corporations, partnerships, firms, governments or persons in which the trustee has a pecuniary interest, and
- (c) the names of the corporations, partnerships, firms, governments or persons in which the trustee's spouse or children under 18 years of age have a pecuniary interest.

3 This Act comes into force on Proclamation.

Explanatory Notes

Local Authorities Election Act

1(1) Amends chapter L-21 of the Revised Statutes of Alberta, 2000.

(2) Section 22 presently reads in part:

22(1) A person is not eligible to be nominated as a candidate in any election under this Act if on nomination day

- (a) the person is the auditor of the local jurisdiction for which the election is to be held;*
- (b) the person is an employee of the local jurisdiction for which the election is to be held unless the person is on a leave of absence granted under this section;*
- (c) the person is indebted to the municipality of which the person is an elector for taxes in default exceeding \$50, excluding from that amount
 - (i) any indebtedness for current taxes, and*
 - (ii) any indebtedness for arrears of taxes for which the person has entered into a consolidation agreement with the municipality, unless the person is in default in the payment of any money due under the agreement;**
- (d) the person is indebted to the local jurisdiction for which the election is to be held for any debt exceeding \$500 and in default for more than 90 days;*

- (e) *the person is a party to a subsisting contract with the local jurisdiction for which the election is to be held under which money of the local jurisdiction is payable or may become payable for any work, service, matter or thing;*
- (f) *the person has a pecuniary interest, direct or indirect, in any subsisting contract with the local jurisdiction for which the election is to be held under which money of the local jurisdiction is payable or may become payable for any work, service, matter or thing.*

(2) *Subsection (1)(e) and (f) do not apply to a candidate for election to a council.*

(3) *Subsection (1)(c) to (f) do not apply to a candidate for election as a trustee of a school board.*

(4) *Subsection (1) does not apply to a person by reason only*

- (a) *that the person is a shareholder in a corporation having a contract or dealings with the local jurisdiction or elected authority for which the election is being held,*
 - (i) *unless the person holds or there is held by the person and the person's spouse, parents, children, brothers and sisters more than 25% of the issued capital stock of the corporation, or*
 - (ii) *unless the contract or dealings are for the building or construction of a public work of the local jurisdiction;*
- (b) *that the person has a contract with the local jurisdiction for the supplying to the person, the person's spouse or child of a service, utility or commodity that the local jurisdiction has statutory authority to supply;*
- (c) *that the person holds an interest in a publication*
 - (i) *in which official advertisements of the local jurisdiction appear, or*
 - (ii) *that is supplied to the local jurisdiction at the usual rates;*
- (d) *that the person sells or leases to the local jurisdiction land or interest in land that the local jurisdiction has authority to expropriate;*
- (e) *that the person supplies goods, merchandise or services to the local jurisdiction or to persons contracting with the local jurisdiction if they are supplied at competitive prices and in the ordinary course of the person's business or profession;*
- (f) *that the person renders*

- (i) *services to indigents who are residents of the local jurisdiction and for which the local jurisdiction is or may become liable to pay, or*
- (ii) *services for which the local jurisdiction has provided a subsidy;*
- (g) *that the person is appointed to a position under the Disaster Services Act;*
- (h) *that the person has rendered professional services as a lawyer to the local jurisdiction, if the fees for the services have been taxed under the Alberta Rules of Court;*
- (i) *that the person has received a gratuity or allowance for services on a committee or board appointed by or responsible to the local jurisdiction;*
- (j) *that the person is a member of a co-operative association under the Co-operative Associations Act or the Rural Utilities Act;*
- (k) *that the person is a vendor, purchaser, assignor or assignee of land bought or sold under the Agriculture Financial Services Act;*
- (l) *that the person is a party to a contract for the purchase or lease of real or personal property from the local jurisdiction entered into before nomination day;*
- (m) *that the person is a volunteer chief, officer or member of a fire, ambulance or emergency measures organization established by a local jurisdiction or that the person is a volunteer for another purpose who performs duties under the direction of the local jurisdiction.*

School Act

2(1) Amends chapter S-3 of the Revised Statutes of Alberta, 2000.

(2) Section 80(2) presently reads:

(2) For the purposes of this Division except section 81(1), the pecuniary interests

(a) of the spouse, children or parents of a person, or

(b) of the parents of the spouse of a person

that are known to the person or of which the person reasonably should know are deemed to be the pecuniary interests of the person.

(3) Section 81(1) presently reads:

81(1) If a board passes a bylaw to that effect, each trustee of a board shall file with the board's secretary a statement showing

- (a) the names and employment of the trustee and the trustee's spouse and children,*
- (b) the names of the corporations, partnerships, firms, governments or persons in which the trustee has a pecuniary interest, and*
- (c) the names of the corporations, partnerships, firms, governments or persons in which the trustee's spouse or children under 18 years of age have a pecuniary interest.*

3 Coming into force.