

2011 Bill 19

Fourth Session, 27th Legislature, 60 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 19

**MISCELLANEOUS STATUTES
AMENDMENT ACT, 2011**

THE MINISTER OF JUSTICE AND ATTORNEY GENERAL

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 19

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2011

MISCELLANEOUS STATUTES AMENDMENT ACT, 2011

(Assented to , 2011)

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

Business Corporations Act

Amends RSA 2000 cB-9

1 The *Business Corporations Act* is amended in section 278(c) by striking out “an extra-provincial association as defined in Part 2 of the *Co-operative Associations Act* or”.

Cooperatives Act

Amends SA 2001 cC-28.1

2 The *Cooperatives Act* is amended by repealing section 18.

Explanatory Notes

Business Corporations Act

1 Amends chapter B-9 of the Revised Statutes of Alberta 2000.
Section 278(c) presently reads:

278 This Part does not apply to

(c) an extra-provincial association as defined in Part 2 of the Co-operative Associations Act or an extra-provincial cooperative as defined in section 1(1)(v) of the Cooperatives Act.

Cooperatives Act

2 Amends chapter C-28.1 of the Statutes of Alberta, 2001.
Section 18 presently reads:

18 The Registrar or a deputy registrar of Corporations under the Business Corporations Act may, on request, reserve a name for an intended cooperative or for one that intends to change its name.

Emergency Management Act

Amends RSA 2000 cE-6.8

3 The *Emergency Management Act* is amended

- (a) by repealing section 8;**
- (b) in section 18 by adding the following before subsection (6):**

(5.1) Unless otherwise provided for in the order for a declaration of a state of emergency, where

- (a) an order for a declaration of a state of emergency is made, and
- (b) there is a conflict between this Act or a regulation made under this Act and any other Act or regulation, other than the *Alberta Bill of Rights* or the *Alberta Human Rights Act* or a regulation made under either of those Acts,

during the time that the order is in effect, this Act and the regulations made under this Act shall prevail in Alberta or that part of Alberta in respect of which the order was made.

Family Support for Children with Disabilities Act

Amends SA 2003 cF-5.3

4 The *Family Support for Children with Disabilities Act* is amended by repealing section 8(2) and substituting the following:

Emergency Management Act

3 Amends chapter E-6.8 of the Revised Statutes of Alberta 2000. Sections 8 and 18 presently read:

8 Payments made by Her Majesty in right of Alberta before November 15, 1993 are valid, notwithstanding the definition of disaster in force when those payments were made, and are deemed to have been made in accordance with the regulations.

18(1) The Lieutenant Governor in Council may, at any time when the Lieutenant Governor in Council is satisfied that an emergency exists or may exist, make an order for a declaration of a state of emergency relating to all or any part of Alberta.

(2) A declaration of a state of emergency under subsection (1) must identify the nature of the emergency and the area of Alberta in which it exists.

(3) Immediately after the making of an order for a declaration of a state of emergency, the Minister shall cause the details of the declaration to be published by any means of communication that the Minister considers is most likely to make known to the majority of the population of the area affected the contents of the declaration.

(4) Unless continued by a resolution of the Legislative Assembly, an order under subsection (1) expires at the earlier of the following:

(a) at the end of 14 days, but if the order is in respect of a pandemic influenza, at the end of 90 days;

(b) when the order is terminated by the Lieutenant Governor in Council.

(6) The Regulations Act does not apply to an order made under subsection (1).

Family Support for Children with Disabilities Act

4 Amends chapter F-5.3 of the Statutes of Alberta, 2003. Section 8(2) presently reads:

(2) A member of an appeal committee may be appointed for a term of not more than 3 years and for not more than 2 consecutive terms.

(2) A person may be appointed as a member of an appeal committee for a term prescribed by the Minister and may be reappointed, but may not serve as a member for more than 7 consecutive years.

Land Titles Act

Amends RSA 2000 cL-4

5 The *Land Titles Act* is amended in section 27

- (a) in subsection (1)(f) by striking out “the *Co-operative Associations Act* or”;
- (b) in subsection (2)(c) by striking out “, the *Co-operative Associations Act*”;
- (c) in subsection (4) by striking out “, the *Co-operative Associations Act*”.

Land Titles Act

5 Amends chapter L-4 of the Revised Statutes of Alberta 2000.
Section 27 presently reads in part:

27(1) The Registrar may reject any instrument or caveat under which an interest in land is claimed or dealt with on behalf of a corporation unless the Registrar is satisfied that the corporation is

(f) registered under the Co-operative Associations Act or the Rural Utilities Act,

(2) In the case of any corporation to which subsection (1)(a), (b), (c), (d), (e), (f), (g) or (h) applies, the receipt by the Registrar of a certificate from

(c) the Registrar as defined in the Business Corporations Act that a corporation is registered under the Societies Act, the Co-operative Associations Act or the Rural Utilities Act,

shall be sufficient to satisfy the Registrar in relation to every submission for registration or filing made afterwards in relation to that corporation until the Registrar is informed by the Registrar of Companies, the Registrar as defined in the Business Corporations Act, the member of the Executive Council responsible for the administration of the Loan and Trust Corporations Act, the Superintendent of Insurance, the member of the Executive Council responsible for the administration of the Credit Union Act or the Director of Agricultural Societies, as the case may be, that the certificate issued in respect of that corporation is no longer valid.

(4) Except in respect of a corporation

(a) that is a loan corporation or trust corporation, or

(b) licensed under the Insurance Act,

a certificate of a solicitor who is a member of The Law Society of Alberta stating that the corporation is registered under the Companies Act, the Societies Act, the Co-operative Associations Act,

Mobile Home Sites Tenancies Act

Amends RSA 2000 cM-20

6 The *Mobile Homes Sites Tenancies Act* is amended in section 13(1)(c) by striking out “an association under the *Co-operative Associations Act* or”.

the Rural Utilities Act or the Agricultural Societies Act, or is incorporated, continued or registered under the Business Corporations Act, the Cooperatives Act or the Credit Union Act shall be sufficient to satisfy the Registrar in relation to the submission for registration or filing of the instrument or caveat to which the certificate is attached and of which it forms part.

Mobile Home Sites Tenancies Act

6 Amends chapter M-20 of the Revised Statutes of Alberta 2000.
Section 13(1)(c) presently reads:

13(1) A landlord may terminate a periodic tenancy of a mobile home site located in a mobile home park by serving a notice of termination on the tenant at least 365 days before the day named in the notice of termination if termination of that tenancy is sought

(c) for the purpose of obtaining vacant possession of the mobile home site in order that the site may be sold or leased to an association under the Co-operative Associations Act or a cooperative under the Cooperatives Act whose primary purpose is to provide mobile home sites for the use of its members and their families at cost or as nearly at cost as possible.

RECORD OF DEBATE

Stage	Date	Member	From	To
		Questions and Comments	From	To
Stage	Date	Member	From	To
		Questions and Comments	From	To
Stage	Date	Member	From	To
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Stage	Date	Member	From	To
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