

2014 Bill 4

Third Session, 28th Legislature, 63 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 4

HORSE RACING ALBERTA AMENDMENT ACT, 2014

THE PRESIDENT OF TREASURY BOARD AND
MINISTER OF FINANCE

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 4

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2014

HORSE RACING ALBERTA AMENDMENT ACT, 2014

(Assented to , 2014)

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

Amends RSA 2000 cH-11.3

1 The *Horse Racing Alberta Act* is amended by this Act.

2 Section 2 is repealed and the following is substituted:

Alberta Racing Corporation

2(1) The Alberta Racing Corporation is continued as a corporation under the name “Horse Racing Alberta”.

(2) There shall be a board of directors appointed by the Lieutenant Governor in Council as follows:

- (a) 6 members of the general public, one of whom is to be designated by the Lieutenant Governor in Council as Chair;
- (b) one person agreed on and designated by the operators of race tracks licensed under the rules as “A” level race tracks;
- (c) one person agreed on and designated by the operators of race tracks licensed under the rules as “B” level race tracks;

Explanatory Notes

1 Amends chapter H-11.3 of the Revised Statutes of Alberta 2000.

2 Section 2 presently reads:

2(1) The Alberta Racing Corporation is continued under the name "Horse Racing Alberta" consisting of a board of directors made up of the following:

- (a) one person appointed as chair;*
- (b) one person appointed by the Alberta Standardbred Horse Association to represent the race horse breeders in that Association;*
- (c) one person appointed by the Alberta Standardbred Horse Association to represent persons in that Association other than race horse breeders;*
- (d) one person appointed by the Canadian Thoroughbred Horse Society (Alberta Division);*
- (e) one person appointed by The Horsemen's Benevolent and Protective Association of Alberta;*

- (d) one person designated by the Alberta Standardbred Horse Association;
 - (e) one person designated by the Canadian Thoroughbred Horse Society (Alberta Division);
 - (f) one person agreed on and designated by all other racing breed associations in the Province recognized by the Corporation, excluding the associations referred to in clauses (d) and (e).
- (3) The term of office of a member of the board must not exceed 3 years and must not result in the person being appointed serving on the board of directors for more than 6 consecutive years.
- (4) Where a person has served for 6 consecutive years as a member of the board, that person is not eligible to be appointed again as a member of the board until 3 years has elapsed from the time that the person's last appointment to the board terminated.
- (5) The Lieutenant Governor in Council may determine the remuneration and living and travelling expenses payable to members of the board.
- (6) No person who within the last 5 years has been convicted of an offence under the *Gaming and Liquor Act* or this Act or has been convicted of an indictable offence under the *Criminal Code* (Canada) may be appointed as a member of the board.
- (7) The board may, with the approval of the Minister, change the name of the Corporation or use a trade name that is different from the name of the Corporation.
- (8) Notwithstanding subsection (2)(b) to (f), if a body or group of bodies cannot agree on a designation under those provisions or is unable to make or does not make a designation, the Minister may make the designation in respect of that body or those bodies.
- (9) The quorum of the board is 6 members of the board.

- (f) one person agreed on and appointed by all other racing breed associations in the Province recognized by the Corporation, excluding the associations referred to in clauses (b), (d) and (e);*
 - (g) 2 persons agreed on and appointed by the operators of race tracks licensed under the rules as "A" level race tracks;*
 - (h) one person agreed on and appointed by the operators of race tracks licensed under the rules as "B" level race tracks;*
 - (i) 3 members of the general public.*
- (2) The Minister and the Minister of Agriculture and Rural Development may each appoint a person to the board but those persons do not have voting rights on the board.*
- (3) For the purposes of making appointments referred to in subsection (1)(a) and (i), the following applies:*
- (a) the board shall form a selection committee from among its members;*
 - (b) where*
 - (i) there is a vacancy on the board in respect of an appointment referred to in subsection (1)(a) or (i), or*
 - (ii) the term of office of one or more of the current members of the board holding an appointment referred to in subsection (1)(a) or (i) is about to expire,*
- the selection committee shall, subject to the rules, advertise for nominations of persons from which a person or persons may be appointed to that position or those positions, unless there is unanimous consent of the board for reappointment of the current member or members for an additional term and the current member or members are eligible for reappointment;*
- (c) on receiving nominations, the selection committee shall submit to the board the name of a candidate, from among the names of the persons whose nominations were received by the selection committee, to fill each of the positions on the board to which an appointment is to be made;*

(10) On the coming into force of this section, the appointments of the members of the board of directors serving on the board immediately before the coming into force of this section are rescinded.

- (d) on the submission to the board of the name of a candidate with respect to a position on the board,*
- (i) the board shall conduct a vote of the board to determine whether the candidate is to be appointed to fill the position, and*
- (ii) if at least a 2/3 majority of the vote is in favour of the candidate's being appointed to the position,*

the board shall appoint the candidate to fill the vacancy or to take office on the expiry of the current board member's term of office, as the case may be.

(4) The term of office of a member of the board is 3 years or a shorter period of time prescribed by the persons appointing the member to the board.

(5) A person who is a member of the board may be reappointed as a member of the board but

- (a) that person is not eligible to serve for more than 6 consecutive years as a member of the board, and*
- (b) where the person has served for 6 consecutive years as a member of the board, that person is not eligible to be appointed again as a member of the board until 3 years has elapsed from the time that the person's last appointment to the board terminated.*

(6) No person who within the last 5 years has been convicted of an offence under the Gaming and Liquor Act or this Act or has been convicted of an indictable offence under the Criminal Code (Canada) may be appointed as a member of the board.

(7) The board may, with the approval of the Minister, change the name of the Corporation or use a trade name that is different from the name of the Corporation.

(8) Notwithstanding subsections (1) and (3), if at any time an association or the board, as the case may be, is unable to make or does not make the appointment to the board in accordance with subsection (1) or (3), the Minister may make the appointment.

(9) The quorum of the board is 7 members of the board who have voting rights.

3 Section 6(1) is amended by striking out “, including the establishment and payment of remuneration and expenses to the members of the board”.

4 Section 7 is repealed and the following is substituted:

Status as a Provincial agency

7 The Corporation is not a Provincial agency for the purposes of the *Financial Administration Act*, the *Fiscal Management Act* and the *Auditor General Act*.

5 This Act comes into force on Proclamation.

3 Section 6(1) presently reads:

6(1) The board may make bylaws governing the administration and management of the business and affairs of the Corporation, including the establishment and payment of remuneration and expenses to the members of the board.

4 Section 7 presently reads:

7 The Financial Administration Act does not apply to the Corporation or any matter carried out under this Act.

5 Coming into force.

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

		Questions and Comments	From	To

Stage	Date	Member	From	To

		Questions and Comments	From	To