

Standing Committee on Private Bills

9:05 a.m.

[Chairman: Mr. Renner]

THE CHAIRMAN: Well, good morning. I'll call the meeting to order. I'm out of breath. I made the trip up from Medicine Hat this morning, and my wings are a little bit tired.

Before we begin this morning, I would like to have approval of the agenda and approval of some minutes. Then we can get into the debate. The first item, then, is the approval of the agenda for today's meeting. Mr. Stelmach. All in favour? Opposed? Carried.

We have two sets of minutes: Tuesday, April 2, and Tuesday, April 16. Mrs. Fritz. All in favour? Opposed? Carried.

The first thing we need to decide as a committee: it's within the prerogative of the committee to have discussion on the Bills in camera. If anyone feels they would be more comfortable discussing in camera, I would entertain a motion. If not, it's not necessary. I see no indication, so we can move on to the Bills themselves.

Parliamentary Counsel distributed some papers yesterday that everyone should have a copy of, basically summarizing discussion and more specifically suggesting amendments that have been agreed to by the petitioners on each of the Bills. If we deal first with Bill Pr. 1, the Alberta Wheat Pool Amendment Act, 1996, there are three amendments that have been proposed by the petitioners. Is there any further discussion to the Bill?

MR. TRYNCHY: These amendments are the ones that the Securities Commission and Municipal Affairs agreed to?

THE CHAIRMAN: Right. The one amendment is addressing the situation that – I've got a concern of Municipal Affairs. As a result of that amendment, there's a consequential amendment that's necessary just for clarification within the Bill. The third amendment is recognizing the concerns and addressing the concerns of the Securities Commission.

MR. TRYNCHY: Okay. I move that we accept the amendments as presented with Bill Pr. 1.

THE CHAIRMAN: Actually, we do have a motion here, Mr. Trynchy, to that effect. Earl, do you want to just explain the consequential amendment in particular to the – I think it's amendment B.

MR. EVANIEW: Right. My explanation is on page 2 of our memorandum of April 22. It is a consequential amendment. You'll notice that in Bill Pr. 1, section 9, it replaces an existing section 21 with a new section 21. It states:

A petition to the Legislative Assembly of the Province of Alberta for amendment of this Act may be made by the Pool only on compliance with all provisions in the Bylaws or this Act for making, amending, repealing or replacing Bylaws.

Provisions in the Act for the "making, amending, repealing or replacing of Bylaws" is contained in section 18. Now, before the first amendment, amendment A, section 18 just indicated that bylaws can be made if it's "passed by . . . 3/5 of the delegates". As a consequence of this amendment that was requested by the Department of Municipal Affairs and adding in section 18(4) – section 18(4) requires instead of three-fifths, two-thirds of the delegates. As a consequence, the Alberta Wheat Pool felt that section 21 had to be clarified so that the reference to "or this Act" specifically deals with approval of two-thirds of the delegates and not the special provision in 18(4) of three-quarters. So that's why it's a consequential amendment, just making it clear that in order for a petition to be brought to the Legislative Assembly, it still only

requires two-thirds of the delegates and not three-quarters, which is only a special provision when the new section 18(4) operates.

THE CHAIRMAN: Any other questions? Have we received a copy of the undertaking?

MR. EVANIEW: Yes, we have received a copy of the undertaking. It was part of your package of documents yesterday. Maybe just to recap, under Bill Pr. 1 all the debate focused on section 39(3) that says: "The Securities Act does not apply to . . . the issuance of shares . . . to exempt persons," and then we had the discussion twice here where the Securities Commission was concerned given that blanket exemption. Therefore, the Alberta Wheat Pool gave an undertaking, a written undertaking which was signed and then received by the Securities Commission and signed off by the chairman of the Alberta Securities Commission, Mr. Hess. You have a copy of the undertaking, but in summary what the undertaking on behalf of the Alberta Wheat Pool does is: now the Alberta Wheat Pool will not issue security to exempt persons which is not a class A, class B, or class C share under this new equity structure, they won't issue securities which are not in the nature of indebtedness under the current loan program, and they won't broaden membership eligibility without the consent of the Securities Commission. So they won't do any of those three without the consent of the Securities Commission. As I have advised in looking at the Securities Act, if there's a breach of this undertaking, it's the same as a breach of the Securities Act. So that's the undertaking they've given, and it was agreed to.

THE CHAIRMAN: We need a motion, actually, before we call the question. Would someone like to make a motion on how we deal with this Bill? There is a copy of the proposed motion, if you wish to use it.

Dr. Nicol.

DR. NICOL: I'll move that motion as written on the page here, that the Standing Committee on Private Bills recommend, et cetera. Do you need it all read into the record?

THE CHAIRMAN: No, I don't think it's necessary. We don't need it written into the record?

MR. REYNOLDS: We identified what it is.

THE CHAIRMAN: Yes.

Dr. Nicol is moving the motion which is on the first page of the document.

DR. NICOL: That's correct.

THE CHAIRMAN: Is there any discussion on that motion? Seeing none, then, I'll call the question. All in favour?

HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed? Carried.

I think we can deal with Bills Pr. 3 and Pr. 4. We'll deal with them separately, two separate motions.

MR. REYNOLDS: Mr. Chairman, I should point out that these proposed motions are distributed just for the assistance of the committee. They're simply a different way of phrasing what was in the memo dated April 22.

I should also point out that the reason the memo came around on April 22 was that, as you can tell by some of the documents, we

didn't receive a number of things until Friday. For instance, the undertaking from the Securities Commission with the Alberta Wheat Pool one didn't come in until Friday. Also, with respect to the Farmers' Union of Alberta Bill, you'll note that we didn't get the letter from the Securities Commission until 6 o'clock Friday night. In any event, those are just for the guidance of the committee, and that's why we prepared them.

THE CHAIRMAN: On Bill Pr. 3, the committee will remember there was a concern raised by advanced education that they wanted further clarification in both these Bills that any degree-granting status these colleges might have would be restricted to degrees in divinity, and the proposed amendments would reflect that. Is there any further discussion at all? Then with respect to Bill Pr. 3, a motion would be in order. There is a suggested motion on the second page, if anyone wishes to use it.

MR. LANGEVIN: Yes, I'll make that motion, Mr. Chairman, according to what's printed here on our document.

THE CHAIRMAN: Fine. Any further discussion? I'll then call the question. All in favour?

HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed? Carried.

Bill Pr. 4, essentially the same as Bill Pr. 3, one being for Evangel Bible College and Bill Pr. 4 is the Bethesda Bible College. A similar motion is suggested for consideration on this one.

9:15

MR. BRACKO: I'll move this one, Mr. Chairman.

THE CHAIRMAN: Mr. Bracko moves the motion that Bill Pr. 4 proceed with amendment. Any discussion? I'll put the question. All in favour?

HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed? Carried.

Bill Pr. 5, the Farmers' Union of Alberta Amendment Act, 1996. Mr. Reynolds, would you like to discuss the conversation you had? You'll remember that when we met with this group last week, there were some concerns to be resolved and discussed with Parliamentary Counsel prior to this week's meeting.

MR. REYNOLDS: Thank you, Mr. Chairman. We did discuss with the solicitors for the petitioners about amending the Bill in section 9 to take out the reference to the Securities Act. They held discussions with the Securities Commission and were convinced that in fact the Farmers' Union of Alberta would be a nonprofit organization, so it would qualify for the exemptions provided for in the Securities Act. So there is no need to specifically refer to the Securities Act in the Bill.

You'll notice from the correspondence from Reynolds Mirth to our office and from the Securities Commission to our office – I believe one's dated April 18 and one's dated April 19 – that they all agree to the proposed amendment to strike out the reference to the Securities Act. In fact, that's what the proposed amendment would do.

THE CHAIRMAN: Thank you.

Is there any discussion on that? Yes, go ahead.

MRS. LAING: I'd like to move that Bill Pr. 5, the Farmers' Union of Alberta Amendment Act, 1996, proceed with amendment.

THE CHAIRMAN: Mrs. Laing just moved that the Bill proceed with amendment, and the amendment is outlined on the last page of the documents. Any discussion to that motion? Seeing none, I'll put the question. All in favour?

HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed? Carried.

That deals with discussion on the Bills. We have not dealt with Bill Pr. 2 today. Committee members will remember that the petitioner has asked that we defer discussion on that Bill until fall. They wish to discuss with their attorney some fairly extensive amendments to that Bill, and they'll be bringing them to the committee in the fall.

There is no other business that I know of. Does anyone have any other business they wish to bring to the committee?

MRS. FRITZ: Mr. Chairman, just for the record, when does the committee reconvene?

THE CHAIRMAN: The committee only sits when the House is in session, so the committee would reconvene when the Assembly reconvenes in the fall. We would reconvene shortly after that.

MRS. FRITZ: When can members of the public begin to bring forward private Bills?

THE CHAIRMAN: The opportunity for presenting private Bills only comes once a year, so they would have to wait until the next session of the Legislature, which would be the spring of '97. There would be announcements made at the appropriate time.

MRS. FRITZ: Thank you, Mr. Chairman.

MRS. LAING: On behalf of the committee, I'd like to thank the chairman for his expert guidance through the waters of private Bills this term, and also the Parliamentary Counsel and administrative assistant for their quick response and their assistance to the committee. Thank you.

THE CHAIRMAN: Thank you.

MRS. GORDON: I move adjournment of this meeting, Mr. Chairman.

THE CHAIRMAN: I think that motion would probably be in order.

[The committee adjourned at 9:20 a.m.]