

1983 BILL 104

First Session, 20th Legislature, 32 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 104

TREASURY BRANCHES AMENDMENT ACT, 1983

DR. ELLIOTT

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 104
Dr. Elliott

BILL 104

1983

TREASURY BRANCHES AMENDMENT ACT, 1983

(Assented to , 1983)

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

1 *The Treasury Branches Act is amended by this Act.*

2 *Section 3(2) is amended*

*(a) in clause (a) by striking out "and 9(1)" and substituting
", 9(1), 13(2) and 16";*

(b) by adding the following after clause (d):

(e) may execute purchase and sale agreements, transfers, leases and other related documents, including any documents relating to the matters referred to in this subsection;

(f) may enter into agreements with banks and other financial institutions respecting deposits, the making and recovering of loans, realization on securities and other related matters;

(g) may receive loans from and establish lines of credit with any person where those loans and lines of credit are required for the efficient and orderly receipt and disbursement or disposition of money or other property comprising the Fund;

(h) may enter into agreements for the purpose of using clearing-house facilities;

(i) may, subject to this Act, do any act or enter into any agreement for and on behalf of the Minister that is necessary or convenient for the conduct of the normal business and affairs of the treasury branches.

3 *Section 6(2) is amended by striking out "and" at the end of clause (a) and by adding the following after clause (b):*

(c) may guarantee or otherwise undertake to be liable for the obligation of any person in whole or in part,

(d) may agree to indemnify or hold harmless any person in whole or in part, and

Explanatory Notes

1 This Bill will amend chapter T-7 of the Revised Statutes of Alberta 1980.

2 Section 3(2) presently reads:

(2) The Superintendent

(a) may exercise the powers and perform the duties of the Minister under sections 4, 6, 7, 8 and 9(1);

(b) may delegate any of his powers and duties under this Act or the regulations to any employees of the Province of Alberta Treasury Branches;

(c) may prescribe forms required for the purposes of the business and affairs of the Province of Alberta Treasury Branches;

(d) may enter into an agreement or arrangement with any person providing for the appointment of that person as an agent of the Minister for the purpose of receiving deposits under this Act and for any other purpose specified under the agreement or arrangement, and providing for the remuneration to be paid to that person.

3 Section 6(2) presently reads:

(2) Subject to the regulations, the Minister

(a) may loan any money in the Fund to persons on terms that may be agreed on, and

(b) may take any security for any loan so made and may realize any security so taken.

(e) may take security for any guarantee, undertaking or agreement entered into under clauses (c) and (d) and may realize that security.

4 *Section 9(3) is amended by adding the following after clause (d):*

(d.1) money payable as a result of any guarantee, undertaking or agreement entered into by the Minister under section 6(2)(c) or (d);

5 *Section 10 is amended*

(a) *by repealing subsection (1) and substituting the following:*

10(1) The Minister may establish out of the surplus of the Fund a reserve to be known as “Reserve for Losses”.

(b) *in subsection (2) by striking out “Bad and Doubtful Debts” and substituting “Losses any losses incurred in the operation of the treasury branches including”.*

6 *Section 17 is amended by striking out “Minister” wherever it occurs and substituting “Minister, Superintendent or an employee of the treasury branches”.*

7 *Section 21 is repealed and the following is substituted:*

21(1) Subject to subsection (2), if there is a conflict between this Act and any other Act, this Act prevails.

(2) The *Financial Administration Act* prevails over this Act, except that Part 7 of the *Financial Administration Act* shall not apply in respect of a guarantee or indemnity given under this Act.

In accordance with section 4(1) of the Interpretation Act, this Bill comes into force on the date it receives Royal Assent.

4 Section 9(3) presently reads in part:

(3) The following shall be paid out of the Fund:

(d) loans made under section 6(2)(a);

5 Section 10 presently reads:

10(1) The Minister, in order to make provision for bad and doubtful debts, may establish out of the surplus of the Fund a reserve to be known as "Reserve for Bad and Doubtful Debts", which shall be established and maintained at the Edmonton main treasury branch.

(2) The Superintendent may charge against the Reserve for Bad and Doubtful Debts any debt or portion thereof due to the Minister and arising in connection with the operation of any treasury branch and that

(a) has become irrecoverable or only partially recoverable, and

(b) has been written off at the direction of the Treasury Board pursuant to section 27 of the Financial Administration Act.

6 Section 17 presently reads:

17(1) The Minister is not bound to see to the execution of any trust, whether express, implied or constructive, to which any deposit in a treasury branch may be subject.

(2) The receipt of the depositor in whose name a deposit stands in the books of a treasury branch is a sufficient discharge to the Minister for any payment made in respect thereof, notwithstanding any trust to which it may then be subject and whether the Minister has or has not had notice of the trust.

(3) The Minister is not bound to see to the application of the money paid on a receipt mentioned in subsection (2).

7 Section 21 presently reads:

21 If there is a conflict between this Act and any other Act of the Legislature, except the Financial Administration Act, this Act prevails.