

Bill No. 46 of 1945.

A BILL TO AMEND THE MUNICIPAL HOSPITALS ACT

NOTE.

This Bill amends *The Municipal Hospitals Act*, being chapter 185 of the Revised Statutes of Alberta, 1942.

Section 1 of the Bill amends section 2 of the Act. Paragraph (a) is intended to clarify the definition of "Board" in the Act. Paragraph (b) amends the definition of "ratepayer" in so far as tenants of government lands are concerned. Only tenants of government land in a special area will hereafter be classed as ratepayers.

Section 2 of the Bill enacts a new subsection to section 5 of the Act. This new subsection affects the case where a petition is received for the establishment of a municipal hospital in an area in which there already is a hospital. It authorizes the Minister with the approval of the Lieutenant Governor in Council to impose conditions with respect to the existing hospital before granting the petition.

Section 3 of the Bill amends section 8 of the Act by making it no longer necessary for the Minister to appoint a member of the Provisional Board to represent each improvement district but only as to the number allocated.

Subsection (3) of section 11 of the Act, which is struck out by section 4 of the Bill, provided for a scheme including a minimum annual hospital tax commonly known as a poll tax by all persons twenty-one years of age and gainfully employed. This appears to be a duplication as there is already in the section provision for ratepayers paying a minimum tax and non-ratepayers obtaining hospital benefits by certain annual payments.

The amendments made to section 28 of the Act by section 5 of the Bill cure an omission in the Act to cover the procedure where a district is disestablished before any vote is taken.

Section 6 of the Bill amends section 33 of the Act by changing the date of election in municipal districts to the fourth week following nomination to agree with amendments made to *The Municipal District Act* at the 1944 session.

Section 7 of the Bill introduces a new section 33a which authorizes a municipal council to be represented by one of their number at hospital board meetings, who could take part in discussion but have no vote.

Section 8 of the Bill amends section 34 (1) of the Act dealing with qualifications for election to the hospital board. The change made requires a candidate to reside in the ward he wishes to represent where the municipality is divided into wards under this Act (Section 11 of this Bill).

Section 9 of the Bill enacts a new subsection (1) to section 40 of the Act, dealing with the hospital voters' list. This change is made necessary by the changes made last session in the franchise in elections in municipal districts.

The amendment made to section 41 of the Act by section 10 of the Bill makes it clear that the secretary of a municipality must furnish lists of hospital voters even though there is no municipal election.

The amendment made to section 43 of the Act by section 11 of the Bill authorizes the hospital board to divide a municipal district into wards for the purpose of electing board members and requires voters to vote in the ward where their property is or in which they reside. The creation of enlarged municipal districts makes these amendments necessary.

The amendment to section 46 made by section 12 of the Bill extends the time within which the first meeting of the Board shall be held in each year.

Section 13 of the Bill amends section 48 of the Act.

(a) the words struck out "or appointed" are now inappropriate as all board members are elected.

(b) The new subsection (3) cures an omission.

Section 14 of the Bill also cures an omission in section 49 of the Act.

The amendments made to section 51 by paragraphs (a) and (b) of section 15 merely provide for a vice-chairman of a board. Paragraph (c) merely changes the name of the "Hospital Association" by striking out the word "Municipal".

Section 16 of the Bill strikes out subsection (1) of section 72 and substitutes a new subsection. Frequently it is found that the estimated cost of a hospital which is voted on by the ratepayers is exceeded and the authority of the Board to issue debentures in excess of the amount voted on is extended by the amendment to include cases where the Board of Public Utility Commissioners after inquiry is of opinion that the additional expense is reasonable.

Section 17 of the Bill amends section 73 of the Act dealing with estimates and division of the same among contributing units. The amendment provides that the estimates of the Board shall be sent to the Board of Public Utility Commissioners instead of to the Minister and that Board's decision on the total estimates shall be final. The Board of Public Utility Commissioners in settling the estimate may also vary

the division of the estimate made by the hospital board among the contributing units. Formerly the Utility Board decided the last mentioned matter if the Minister and the hospital board disagreed. Now it goes direct to the Utility Board. Any twenty-five ratepayers of a contributing unit may apply to the Utility Board to vary the division made by it.

Section 18 of the Bill, by striking out subsection (6) of section 75, abolishes the discount given to contributing councils for payment of requisitions before their due date.

Section 19 of the Bill amends Form A so as to extend to tenants of Government land in a special area the right to vote on a municipal hospital scheme.

Section 20 of the Bill amends Form D by limiting the right of tenants of Government lands to vote to tenants of land in the special areas.

The change in Form E made by section 21 of the Bill authorizes debentures to be issued under which the annual payments are of combined principal and interest.

W. S. GRAY,
Legislative Counsel.

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

BILL

No. 46 of 1945.

An Act to amend The Municipal Hospitals Act.

(Assented to _____, 1945.)

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

1. *The Municipal Hospitals Act*, being chapter 185 of the Revised Statutes of Alberta, 1942, is hereby amended as to Section 2,—

- (a) by adding at the end of paragraph (a) thereof the following words: “and until the election of a board, “Board” means Provisional Board”;
- (b) by striking out the words “Provincial Government lands within the district”, where the same occur in the last line of paragraph (l) thereof, and by substituting therefor the words “Provincial Government lands in a special area within the district”.

2. The said Act is further amended as to section 5 by adding immediately after subsection (1) thereof the following new subsection:

“(1a) When the Minister receives a petition for the establishment of a hospital district with respect to an area within which there is in operation a hospital approved under *The Hospitals Act*, the Minister with the approval of the Lieutenant Governor in Council may before establishing the district, impose such conditions with respect to the existing hospital as to him may seem proper in the circumstances and unless and until the conditions are complied with or agreed to, he may refuse to establish the district.”

3. The said Act is further amended as to section 8 by striking out the words “each improvement district up to the number allocated to it”, where the same occur in the sixth and seventh lines thereof, and by substituting therefor the words “improvement districts up to the number allocated”.

4. The said Act is further amended as to section 11 by striking out subsection (3) thereof.

5. The said Act is further amended as to section 28,—

- (a) by adding immediately after the word “Minister”, where the same occurs in the second line of subsection (1) thereof, the words “or upon disestablishment of the district before a vote is taken”;

- (b) by adding immediately at the end thereof the following new subsection:

“(3) Notwithstanding the disestablishment of a district pursuant to the provisions of section 6, the provisional board shall continue in office for the purpose of performing the duty imposed upon it by subsection (1), and shall have full power to perform such duty.”

6. The said Act is further amended as to section 33 by adding immediately after the words “in the next week following”, where the same occur in the fourth and fifth lines thereof, the words “except in the case of municipal districts, when the election shall be in the fourth week following”.

7. The said Act is further amended by adding immediately after section 33 thereof, the following new section:

“**33a.**—(1) ‘Council of a municipality’ in this section means,—

“(a) the council of a city, town, village or municipal district;

“(b) in the case of a special area, the Special Areas Board.

“(2) Notwithstanding any other provisions of this Act, the council of a municipality which is included, in whole or in part, in a hospital district may from time to time appoint one of their number to attend hospital board meetings, and any person so appointed shall have the right to take part in all discussions pertaining to hospital matters, but shall not have voting privileges and shall receive no remuneration from the hospital board.”

8. The said Act is further amended as to section 34 by striking out paragraph (a) of subsection (1) thereof and by substituting therefor the following:

“(a) ratepayers resident in the hospital district, and in the case of an election for a representative of a municipal district, ratepayers resident in the ward for which the election is being held, or the husband or wife of any such ratepayer;”.

9. The said Act is further amended as to section 40 by striking out subsection (1) thereof, and by substituting therefor the following:

“**40.**—(1) Where a poll is required in any municipality or part thereof for a member of the hospital board, the secretary-treasurer or clerk of the municipality shall immediately after the day fixed for nomination of candidates prepare a voters’ list of all persons who are ratepayers as defined by this Act, and the list so prepared shall be the hospital voters’ list and the persons entitled to vote shall be the persons whose names are upon the hospital voters’ list and also all persons who on the day of the poll subscribe to either of the declarations set out in Form D of the Schedule.”

10. The said Act is further amended as to section 41 by striking out the words "holding an election" where the same occur in the second line thereof.

11. The said Act is further amended as to section 43 by striking out the same and by substituting therefor the following:

"**43.**—(1) Notwithstanding the provisions of section 33, where a municipal district is included in whole or in part in the hospital district and is entitled to one or more members on the board, the board shall by by-law, subject to the approval of the council, establish in the municipal district or the part thereof included in the hospital district one or more wards equal to the number of members it is entitled to, for the purpose of electing a member to represent each ward on the board of the hospital district, and in any such case, the nomination and voting shall be by wards and the board shall re-allocate the members of the board representing the municipal district or part thereof to the wards so created and may make any other provisions necessary for the carrying out of and giving effect to the change.

"(2) Where a ward or wards have been established in a municipal district or part thereof pursuant to the provisions of subsection (1), the persons entitled to vote at an election of a member to represent a ward shall be those persons whose names are on the hospital voters' list with respect to property situate in the ward or who on the day of the poll subscribe to either of the declarations in Form D with respect to property situate in the ward.

"(3) A corporation may vote by an agent, subject to the same conditions as are prescribed by the appropriate municipal Act."

12. The said Act is further amended as to section 46 by striking out the words "the fifteenth day of March", where the same occur in the fifth line thereof, and by substituting therefor the words "the fifteenth day of April".

13. The said Act is further amended as to section 48,—

(a) by striking out the words "or appointed" where the same occur in the second line of subsection (1) thereof;

(b) by adding immediately at the end thereof the following new subsection:

"(3) The secretary-treasurer of a hospital board shall on or before the first day of February in each year notify the secretary-treasurer or clerk of each municipality situate in whole or in part within the hospital district of any vacancies about to occur on the hospital board due to the effluxion of time."

14. The said Act is further amended as to section 49 by adding immediately at the end thereof the following new subsection:

“(3) When any vacancy on the board of a hospital district occurs for any cause other than the effluxion of time, the secretary-treasurer of the board shall forthwith notify the secretary-treasurer or clerk of the municipality concerned of such vacancy.”

15. The said Act is further amended as to section 51,—

(a) by striking out subsection (1) thereof and by substituting therefor the following:

“**51.**—(1) At the first meeting of a hospital board, and afterwards at the first meeting in each year, the members of each board shall elect a chairman and vice-chairman from among their number, and in case of a vacancy occurring, shall fill the vacancy.”;

(b) by inserting immediately after the word “chairman”, where the same occurs in the fifth line of subsection (13) thereof, the words “or vice-chairman”;

(c) by striking out the word “Municipal” where the same occurs in the sixth line of subsection (16) thereof.

16. The said Act is further amended as to section 72 by striking out subsection (1) thereof and by substituting therefor the following:

“**72.**—(1) If, subsequent to the ratification of the scheme, the estimate of the capital expenditure set out in the scheme proves to be inadequate owing to the increase in size or population of the district, or if after due inquiry the Board of Public Utility Commissioners is of opinion that an additional expenditure over and above the estimate may reasonably be made, then in either case upon the Board of Public Utility Commissioners so certifying, the Board may proceed to expend any additional amount which the Board of Public Utility Commissioners may prescribe in its certificate and may, subject to the provisions of *The Public Utilities Act*, borrow such amount and issue debentures under the provisions of this Act for the sum and interest thereon.”

17. The said Act is further amended as to section 73,—

(a) by striking out the word “Minister”, wherever the same occurs in subsection (1) thereof, except in the second line, and by substituting therefor the words “Board of Public Utility Commissioners”;

(b) by striking out the words “if such variation is approved by the board”, where the same occur at the end of subsection (1) thereof, and by substituting therefor the words “and the decision thereon of the said Board shall be final”;

(c) by striking out subsection (2) thereof and by substituting therefor the following:

“(2) The Board of Public Utility Commissioners in confirming the estimate pursuant to subsection (1), if of opinion that the amount of the estimate is not equitably divided amongst the included areas, may make such division of the amount as it deems just.”

- (d) by striking out subsection (3) thereof;
- (e) by striking out the word “Minister”, where the same occurs in subsection (4) thereof, and by substituting therefor the words “Board of Public Utility Commissioners”;
- (f) by striking out subsection (5) thereof and by substituting therefor the following:

“(5) Within twenty-one days after any such notice has been sent to the secretary-treasurer of each contributing council, any twenty-five rate-payers of an included area may apply to the Board of Public Utility Commissioners to vary the division of the estimate affirmed or made by the said board, and the board shall, after considering the application and the grounds therefor, either dismiss the application or make a re-division, and its decision shall be final for all purposes and shall not be questioned in any court of law.”

18. The said Act is further amended as to section 75 by striking out subsection (6) thereof.

19. The said Act is further amended as to Form A in the Schedule,—

- (a) by adding immediately after the words “Hospital District”, where the same occur in paragraph 2 thereof, the words “(or is liable to deliver a share of his crop as rental on Provincial Government lands therein which are included in a special area)”;
- (b) by adding immediately after the words “property therein”, where the same occur in the sixth line of the alternative to the Form, the words “(or is liable to deliver a share of his crop as rental on Provincial Government lands therein which are included in a special area)”.

20. The said Act is further amended as to Form D in the Schedule by striking out the same and by substituting therefor the following:

“FORM D.

“(Sections 35 and 40 (1).)

“The..... Hospital District.

“Dated this..... day of..... 19.....

“The undersigned solemnly affirms:

“1. That he is of the full age of twenty-one years;

“2. That he is liable to pay municipal or improvement district taxes in respect of property in the..... Hospital District (or in the..... ward of the..... Hospital District, as the case may be), or he is liable to deliver a share of his crop as rental on Provincial Government lands therein which are included in a special area; and

“3. That he has not voted before at this election.

or,—

“The undersigned solemnly affirms that he or she is the husband or wife, or father or mother, or son or daughter of....., who lives within the..... Hospital District (or the..... ward of the..... Hospital District, as the case may be), and who is liable to pay municipal or improvement district taxes in respect of property therein, or is liable to deliver a share of his crop as rental on Provincial Government lands therein which are included in a special area, and that he or she is of the full age of twenty-one years, and lives with the said (wife, husband, etc., as the case may be), and that he has not voted before at this election.

.....”

21. The said Act is further amended as to Form E of the Schedule by striking out the words “with interest”, wherever the same occur therein, and by substituting therefor the words “of combined principal and interest”.

22. This Act shall come into force on the day upon which it is assented to.

No. 46.

FIRST SESSION
TENTH LEGISLATURE
9 GEORGE VI
1945

BILL
An Act to amend The Municipal
Hospitals Act.

Received and read the

First time.....

Second time.....

Third time.....

HON. DR. CROSS.

EDMONTON:
A. Shnitka, King's Printer
1945