

Bill No. 116 of 1951.

A BILL TO AMEND THE SCHOOL ACT

NOTE.

This Bill amends *The School Act*, being chapter 175 of the Revised Statutes of Alberta, 1942.

Section 209, dealing with sinking funds in city school districts, is struck out and a new section is substituted. The new section gives the city school district all the powers enjoyed by the city council with respect to sinking funds.

Section 257 is amended by the addition of a new subsection (2b) and section 302 is amended by the addition of a new clause (cc). These two amendments ratify a procedure already authorized by order in council which enables an elector to cast his vote at any poll other than that in his own district or that at which he has been directed to vote, if, before voting he completes a declaration in the form prescribed by the Minister. The amendment to section 257 authorizes this procedure in the case of ordinary elections and the amendment to section 302 authorizes the procedure in the case of votes on by-laws by proprietary electors.

Section 289, clause (b) is amended by excepting "stock-in-trade". The effect of this amendment is that when the secretary of a municipality gives a certificate of assessed value of property within the municipality he will show the total assessed value of all personal property other than stock-in-trade.

Section 293a is struck out and a new section is substituted in its stead. This is the section which provides for an appeal or reference by a municipality from a requisition submitted by a school division. Under the new section the appeal or reference will be made to the Board of Public Utility Commissioners rather than to a commissioner appointed by the Lieutenant Governor in Council. The municipality cannot make this reference unless the requisition received by the municipality exceeds twenty per cent of the total sum requisitioned by the division upon all municipalities to which requisitions are submitted or unless the amount of the requisition exceeds fifty per cent of the total amount of the requisitions upon the municipality by all districts or divisions from which requisitions are received.

All the amendments contained in this Bill are effective from the 1st day of January, 1951, so that they will be

applicable to the current year with the exception of the provision deleting stock-in-trade from the certificate of assessment given by a municipal secretary which comes into force on the 1st day of July, 1951, and is therefore applicable to 1952 and subsequent years.

KENNETH A. MCKENZIE,
Legislative Counsel.

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

BILL

No. 116 of 1951.

An Act to amend The School Act.

(Assented to _____, 1951.)

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

1. *The School Act*, being chapter 175 of the Revised Statutes of Alberta, 1942, is hereby amended.

2. Section 209 is struck out and the following is substituted: Section 209 amended

"209. (1) In addition to the powers conferred by this Act, the board of a school district within the limits of which an incorporated city is in whole or in part situated, with the consent of the Board of Public Utility Commissioners, may exercise all the powers to fix by by-law or by amending by-law,— City school district has powers of city relating to sinking fund

“(a) the times at which the principal and interest of a debenture shall be repayable;

“(b) the rate or rates of interest payable on the debenture;

“(c) the place or places at which debentures and coupons shall be payable;

“(d) the currency in which debentures and coupons shall be payable;

that are conferred upon the council of a city by *The City Act*.

“(2) The board of a school district within the limits of which an incorporated city is in whole or in part situated that provides by by-law for the issue of debentures with the principal repayable at the end of the period during which the debentures are to run and interest payable annually or semi-annually has all the powers and duties with respect to the accumulation and administration of a sinking fund that are conferred and imposed upon the council of a city by *The City Act*.

“(3) Until the coming into force of *The City Act* the references in this section to *The City Act* shall be deemed to be references to all or any of the several city charters, as the case may require.”.

3. Section 257 is amended by adding immediately after subsection (2a) the following new subsection: Section 257 amended

“(2*b*) An elector may cast his vote at any poll in the subdivision, other than that in his district or that at which he has been directed to vote under subsection (2*a*), if, before voting, he completes a declaration in the form prescribed by the Minister that he is an elector of a district in the subdivision.”.

Section 289
amended

4. Section 289, clause (*b*) is amended by adding immediately after the words “personal property” the words “, other than stock-in-trade”.

Section 293*a*
amended

5. Section 293*a* is struck out and the following is substituted:

Application
for exami-
nation of
estimates

“**293*a***. (1) The council of a municipality, or the Minister of Municipal Affairs in the case of an improvement district or special area, within thirty days of the receipt of the requisition upon it by a division, may apply to the Board of Public Utility Commissioners for an examination of the estimates of the division for the current year.

“(2) The division, forthwith upon request, shall supply to a municipality to which it submits a requisition a copy of its estimates.

“(3) No application may be made by a council or by the Minister,—

“(a) unless the requisition received by the municipality exceeds twenty per cent of the total sum requisitioned by the division upon all the municipalities to which requisitions are submitted; or

“(b) unless the amount of the requisition exceeds fifty per cent of the total amount of the requisitions upon the municipality by all districts or divisions from which requisitions are received.

“(4) The application shall be accompanied by a statement setting forth the respects in which, in the opinion of the municipality, the estimates of the division are excessive.

Approval or
reduction of
estimates

“(5) The Board of Public Utility Commissioners, after due investigation, and the hearing of representations from the division and from the municipality, and from other municipalities included wholly or in part in the division if they desire to make representations, may,—

“(a) approve the estimates and requisitions; or

“(b) direct that the requisitions upon the various municipalities shall each be reduced by a percentage which it shall determine, and that the estimates be revised accordingly.

“(6) The Board of Public Utility Commissioners may require to be produced and may examine such records and documents as it may deem pertinent to the examination.

No appeal
from decision
of Board

“(7) The Board of Public Utility Commissioners shall notify the division and the municipalities of its decision which shall be binding on all parties affected and there shall be no appeal therefrom.

“(8) The requisitions referred to herein shall be the basic requisitions for the division only and shall not include additional requisitions made under section 280 or 290.”.

6. Section 302 is amended by adding immediately after clause (c) the following new clause: Section 302 amended

“(cc) a proprietary elector may cast his vote at any poll in the division, other than that in his district or that at which he has been directed to vote under the proviso to clause (c), if, before voting, he completes the declaration in the form prescribed by the Minister, that he is a proprietary elector of the division;”.

7. This Act shall come into force on the first day of July, 1951, except for sections 2, 3, 5 and 6 which shall be deemed to have been in force at all times on and after the first day of January, 1951. Coming into force

No. 116.

FOURTH SESSION
ELEVENTH LEGISLATURE
15 GEORGE VI
1951

BILL

An Act to amend The School Act.

Received and read the

First time

Second time

Third time

HON. MR. CASEY.
