

No. 82

1st Session, 15th Legislature, Alberta
12 Elizabeth II

BILL 82

A Bill to amend The Alberta Government Telephones Act

HON. MR. REIERSON

Explanatory Note

1. The Alberta Government Telephones Act, Statutes of Alberta 1958, chapter 85, amended.

2. Section 3, subsection (1) presently reads:

"3. (1) There is hereby established a commission under the name of The Alberta Government Telephones Commission consisting of the Minister and the executive officers from time to time appointed pursuant to section 5."

The members of the commission may be persons other than the executive officers.

3. Section 6, subsections (2), (3) and (4) presently read:

"(2) The commission shall meet not less than once in every month, on fixed days, and shall keep full minutes of its proceedings.

(3) Five members of the commission constitute a quorum.

(4) In the absence of the Minister the general manager shall be the acting chairman of the commission."

Subsection (5) is new and will authorize remuneration to members of the commission who are not executive officers (see note to clause 2).

Subsection (6) is new and self-explanatory.

BILL

No. 82 of 1964

An Act to amend The Alberta Government Telephones Act

(Assented to _____, 1964)

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

1. *The Alberta Government Telephones Act* is hereby amended.

2. (1) Section 3 is amended by striking out the words "Minister and the executive officers from time to time appointed pursuant to section 5" and by substituting the words "following members, namely, the Minister and the persons from time to time appointed as members by the Lieutenant Governor in Council".

(2) Upon the coming into force of subsection (1), the persons who are the executive officers of The Alberta Government Telephones Commission appointed under section 5 of *The Alberta Government Telephones Act* shall be deemed to have been appointed by the Lieutenant Governor in Council as members of The Alberta Government Telephones Commission and are and shall continue to be members thereof during pleasure.

3. Section 6 is amended

(a) as to subsection (2) by striking out the words " , on fixed days,"

(b) by striking out subsections (3) and (4) and by substituting the following:

(3) Five members of the commission constitute a quorum and the affirmative votes of a majority of the commission present at any meeting of the commission at which a quorum is present are sufficient to pass any resolution or by-law and to bind all members of the commission.

(4) The Lieutenant Governor in Council may appoint any member of the commission to be the acting chairman in the absence of the Minister or in the case of the Minister's inability to act.

(5) A member of the commission shall receive such remuneration as may be prescribed by the Lieutenant Governor in Council.

4. Section 11 presently reads:

"11. (1) The commission, with the approval of the Lieutenant Governor in Council, may, for the purpose of raising funds required for the purposes of this Act, from time to time issue debentures which

- (a) shall bear interest in such amount and at such rate as the Lieutenant Governor in Council may determine,
- (b) shall be payable at any time not exceeding forty years from their date of issue,
- (c) may be made payable at any place in Canada, in the United Kingdom or in the United States,
- (d) may be made payable either in sterling money, Canadian currency or United States currency,
- (e) shall have coupons attached for the payment of the interest half-yearly or yearly, and
- (f) shall be sealed with the seal of the commission and shall also be signed by the Minister or such other member of the commission as may be designated by the Lieutenant Governor in Council, and the signature of the Minister or other designated member on the coupons may be lithographed, printed, engraved or otherwise mechanically reproduced.

(2) The Lieutenant Governor in Council may authorize the Provincial Treasurer to guarantee on behalf of the Province the payment of principal and interest on all or any part of such debentures.

(3) The guarantee may be executed by the Provincial Treasurer or by the Deputy Provincial Treasurer, and his signature on the debentures may be lithographed, printed, engraved or otherwise mechanically reproduced.

(4) Notwithstanding any provision of The Treasury Department Act the Government may purchase debentures issued by the commission."

The present section 11 permits borrowing only by debentures. The main change is that the new section 11 will permit the issue of notes, bonds, debentures or other securities and the new section 11a will permit temporary loans.

(6) At its meetings, the commission may exercise any of its powers by resolution except where some other mode of exercising any power is prescribed in this Act.

4. Section 11 is struck out and the following is substituted:

11. (1) Subject to the approval of the Lieutenant Governor in Council, the commission, for the purposes of the commission, may from time to time borrow such sums of money as the commission may authorize and may from time to time issue notes, bonds, debentures or other securities which

- (a) shall bear interest at such rate or rates as may be determined by the commission,
- (b) shall be in such denomination or denominations as may be determined by the commission,
- (c) shall be payable as to principal and interest
 - (i) in such currency or currencies of such country or countries,
 - (ii) at such place or places,
 - (iii) at such time or times, and
 - (iv) in such manner, as may be determined by the commission,
- (d) may be made redeemable in whole or in part in advance of maturity
 - (i) at such time or times,
 - (ii) on such terms, and
 - (iii) at such price or prices, either with or without premium, as may be determined by the commission, and
- (e) may be issued in such amounts as will realize the net sum authorized to be borrowed by the commission for the purposes of the commission.

(2) Where the authorizing resolution of the commission made under subsection (1) contains a recital or declaration that the amount of the notes, bonds, debentures or other securities authorized by the resolution is necessary to realize the net sum required for the purposes of the commission, the recital or declaration is conclusive proof of the facts stated therein.

(3) Subject to the approval of the Lieutenant Governor in Council, the commission may sell or otherwise dispose of any notes, bonds, debentures or other securities on such terms and conditions as it deems advisable, either at the par value thereof or at less or more than the par value thereof, and may charge, pledge, hypothecate, deposit or deal with any such securities as collateral security.

11a. Temporary loans.

11b. Purposes for which money may be borrowed.

11c. Guarantee by the Province.

(4) Any notes, bonds, debentures or other securities and the coupons, if any, attached thereto, shall be in such form and shall be executed in such manner and by such persons as may be determined by the commission.

11a. (1) Subject to the approval of the Lieutenant Governor in Council, the commission may from time to time, for the purpose of the commission, borrow by way of temporary loans from any bank, treasury branch or from any person such sums and upon such terms as the commission may determine by way of an overdraft or line of credit or by the pledging as security for such temporary loans of notes, bonds, debentures or other securities of the commission pending the sale thereof or in lieu of selling the same, or in such other manner as the commission may determine.

(2) Any cheques, promissory notes or other instruments that may be necessary or desirable in connection with the borrowing of money and the obtaining of advances by way of a temporary loan under subsection (1) may be executed in such manner as the commission may determine.

11b. In sections 11 and 11a, "purposes of the commission" includes

- (a) the carrying out by the commission of the powers and duties given to it by or pursuant to this or any other Act and
 - (i) the provision in whole or in part for expenditures made or to be made by the commission in connection with the carrying out of those powers and duties, and
 - (ii) the reimbursement of the commission for the whole or any part of any expenditures made or to be made by the commission in connection with the carrying out of those powers and duties,
- (b) the repayment of sums advanced or paid over to the commission pursuant to section 12,
- (c) the payment, refunding or renewal from time to time of the whole or any part of any loan raised or the notes, bonds, debentures or other securities issued by the commission, and
- (d) the payment of any other liability or indebtedness of the commission.

11c. (1) The principal and interest of any borrowings by or notes, bonds, debentures and other securities issued by the commission are hereby guaranteed by the Province of Alberta.

(2) The guarantee, in such form and manner as the Lieutenant Governor in Council may approve, may be en-

11d. Reproduction of seal and signature on bonds, debentures, notes or other securities.

11e. Power to create sinking fund.

dorsed upon any notes, bonds, debentures or other securities issued by the commission and may be signed on behalf of the Province of Alberta by the Provincial Treasurer, the Deputy Provincial Treasurer or by such other person as the Lieutenant Governor in Council may designate.

(3) The signature of the Provincial Treasurer, the Deputy Provincial Treasurer or the person designated by the Lieutenant Governor in Council, upon the guarantee is conclusive proof that the relevant provisions of this Act have been complied with.

(4) Where in respect of any notes, bonds, debentures or other securities issued by the commission it becomes necessary or desirable under the terms of any guarantee given on behalf of the Province of Alberta to make payment under the guarantee, such payment may be made upon the order of the Lieutenant Governor in Council

- (a) out of the General Revenue Fund, without further appropriation, or
- (b) from the proceeds of any loan made under *The Provincial Loans Act* or the sale of securities owned by the Province.

11d. (1) The seal of the commission on any notes, bonds, debentures or other securities of the commission and the signature of

- (a) any person authorized by the commission to execute the notes, bonds, debentures or other securities or any coupon attached thereto, or
- (b) the Provincial Treasurer or the person designated by the Lieutenant Governor in Council to sign a guarantee that is endorsed on the notes, bonds, debentures or other securities,

may be engraved, lithographed, printed or otherwise reproduced on the notes, bonds, debentures or other securities of the commission or on the guarantee endorsed thereon, as the case may be.

(2) The reproduced signature of any person referred to in subsection (1) is for all purposes deemed to be the signature of that person and is binding on the commission and the Province of Alberta notwithstanding that the person whose signature is reproduced did not hold office at the date of the notes, bonds, debentures or other securities or at the date of delivery thereof.

11e. Subject to the approval of the Lieutenant Governor in Council the commission shall have power to provide for the creation, management and application of sinking funds or other means of securing the repayment of any loan raised or notes, bonds, debentures or other securities issued by the commission, including the redemption by call of any

11f. Non-application of the requirement that the issue of the bonds, etc., of the commission must receive approval of the Public Utilities Board.

5. Commencement of Act.

such securities issued subject to redemption in advance of maturity.

11f. Clause (e) of subsection (1) of section 87 of *The Public Utilities Board Act* does not apply to notes, bonds, debentures or other securities issued by the commission.

5. This Act comes into force on the day upon which it is assented to.

No. 82

FIRST SESSION
FIFTEENTH LEGISLATURE
12 ELIZABETH II
1964

BILL

An Act to amend The Alberta
Government Telephones Act

Received and read the

First time

Second time

Third time

HON. MR. REIERSON
