

No. 82

2nd Session, 15th Legislature, Alberta
13 Elizabeth II

BILL 82

A Bill respecting the Department of Public Works

HON. MR. COLBORNE

Explanatory Note

1. This Bill will revise The Public Works Department Act (chapter 270 of the Revised Statutes). A number of obsolete and redundant provisions are omitted. Some provisions are being moved to the proposed new Public Works Act. The section references in the explanatory notes are to the equivalent provisions in the present Act.

2. Definitions.

3. The present section 3 revised.

4. The present section 5 revised.

5. The present section 4 revised.

6. The present section 6 revised.

BILL

No. 82 of 1965

An Act respecting the Department of Public Works

(Assented to _____, 1965)

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

1. This Act may be cited as "*The Department of Public Works Act*".

2. In this Act,

- (a) "Minister" means the Minister of Public Works;
- (b) "public work" means all public works other than those specifically assigned to some other Minister for administration.

3. There shall be a department of the public service of the Province called the Department of Public Works over which shall preside the member of the Executive Council appointed by the Lieutenant Governor under the Seal of the Province as the Minister of Public Works.

4. Subject to *The Public Service Act, 1962*, there may be appointed a Deputy Minister of Public Works and such other employees as are required for the proper conduct of the business of the Department of Public Works.

5. Unless responsibility therefor is specifically assigned to some other Minister, the Minister of Public Works

- (a) has the administration of all real property held, used or occupied for public works, and
- (b) is responsible for the acquisition, disposal and servicing of all property for every department of the Government of the Province, and
- (c) is in charge of the construction, heating, lighting, care, maintenance, repair and management of all property held, used or occupied for public works.

6. (1) The Minister, with the approval of the Lieutenant Governor in Council, may sell, lease or otherwise dispose of any real property that is no longer required for or in connection with a public work.

7. The present section 15, subsection (3) revised.

8. The present section 11.

9. The present section 12.

(2) When practicable, property mentioned in this section shall be sold, leased or otherwise disposed of by tender or by public auction.

(3) A lease or disposition of a mine or mineral shall be made pursuant to *The Mines and Minerals Act, 1962*.

7. The design, construction, demolition, alteration, repair or maintenance of a public work may be done either

(a) by employees in the Department of Public Works, or

(b) by any other person under contract or commission, where the Minister is of the opinion that

(i) from the nature of the work, it can be executed more expeditiously or economically in that manner, or

(ii) it is desirable or expedient to so do it.

8. (1) The Minister shall establish and administer a stock advance fund for the Department of Public Works.

(2) The Provincial Treasurer upon the requisition of the Minister may make advances from the General Revenue Fund to the stock advance fund of such sums as the Minister may require to pay for machinery, equipment, stock or material required by the Department.

(3) The net amount of the advances at any time shall not exceed seven hundred thousand dollars.

9. (1) Where the machinery, equipment, stock or material is purchased for and delivered to a particular department, branch or service, the Minister may charge the value thereof to that department, branch or service.

(2) Where the machinery, equipment, stock or material is purchased out of the stock advance fund for use by one or more departments, branches or services, and the value thereof is charged to and retained by the stock advance fund, the Minister may charge a fair rent for its use to the department, branch or service by or for which it is used.

(3) Where machinery, equipment, stock or material held by the stock advance fund is no longer required, the Minister may sell or otherwise dispose of the same on such terms and conditions as the Minister considers proper.

(4) The amount of

(a) each charge made by the Minister under subsections (1) and (2), and

(b) the proceeds of a sale or disposition made under subsection (3),

shall be credited in reduction of the amount of the advances made by the Provincial Treasurer to the stock advance fund.

10. The present section 13.

11. Agreements between the Minister and municipalities. The present section 19.

12. Authority for the Minister to make traffic and parking regulations applicable to the grounds of government buildings. New.

10. (1) On or before the fifteenth day of June in each year the Minister shall cause to be prepared and submitted to the Provincial Auditor for certification the operating account and the balance sheet covering operations of the stock advance fund for the immediately preceding fiscal year.

(2) The statements as certified by the Provincial Auditor shall be included in the public accounts for the year.

(3) The Lieutenant Governor in Council by order may transfer to the General Revenue Fund a profit arising from the operations of the year as shown by the statements certified by the Provincial Auditor.

(4) If a deficit has occurred the amount of the deficit may be deducted from the profit of any succeeding fiscal year or years before the profit is transferred to the General Revenue Fund.

11. (1) The Minister, with the approval of the Lieutenant Governor in Council, may enter into and carry out an agreement with a city, town, village, county or municipal district providing for the laying out, construction or improvement of parks, public places, public swimming pools or other municipal public works that in the opinion of the Minister and of the council of the municipality, are necessary or desirable.

(2) An agreement entered into under subsection (1) shall fix

- (a) the total cost of construction,
- (b) the period of construction,
- (c) the proportion of the cost to be provided by the Crown and the municipality, and
- (d) the terms upon which and the time or times when payments are to be made by the Crown for its part of the cost.

(3) Every city, town, village, county and municipal district may enter into and carry out an agreement under this section.

12. (1) The Minister may make regulations applicable to all or any designated public works within his jurisdiction governing the use of roads, streets, lanes, sidewalks and other ways thereon and, without restricting the generality of the foregoing, may make regulations

- (a) controlling traffic and regulating the speed of vehicles thereon,
- (b) prohibiting the parking of vehicles thereon and permitting the parking of vehicles on any part thereof, under permit or otherwise, and prescribing the conditions, if any, to which the permits are subject and on which parking is otherwise permitted,

13. The present section 24.

14. Repeal of present Act.

15. Commencement of Act.

- (c) authorizing and providing for the seizing and removal of any vehicle parked or left thereon contrary to the regulations and for its retention until the expenses of seizure, removal and storage, if any, are paid, and
 - (d) prescribing the circumstances under which and the times during which any of the regulations are or are not applicable.
- (2) Subject to any regulations that may have been made under subsection (1), the Minister may cause to be erected at any place on a public work where he considers it necessary, signs
- (a) fixing speed limits,
 - (b) prohibiting or controlling parking,
 - (c) prohibiting entry and restricting the direction of movement of traffic, and
 - (d) requiring vehicles to stop before proceeding and to yield the right of way to other traffic,
- and any other type of sign or device ordinarily used to regulate traffic.
- (3) Any person who
- (a) contravenes a regulation made pursuant to subsection (1), or
 - (b) fails to obey an order, direction or instruction indicated by a sign erected pursuant to subsection (2),
- is guilty of an offence and liable on summary conviction to a fine of not more than twenty-five dollars and in default of payment to imprisonment for a term not exceeding fourteen days.
- (4) In a prosecution under this section, the existence of a sign indicating an order, direction or instruction with respect to any matter mentioned in subsection (1) or (2) is *prima facie* proof that the order, direction or instruction so indicated was regularly prescribed by the Minister without other or further proof thereof.

13. (1) The Minister shall make and submit to the Lieutenant Governor in Council an annual report on all the works under his control.

- (2) The report shall
 - (a) be laid before the Legislative Assembly within fifteen days after the commencement of the session next following the end of the year for which the report is made, and
 - (b) contain such information as may be required to enable the Legislative Assembly to judge the working of the Department of Public Works.

14. This Act repeals and replaces *The Public Works Department Act*.

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

No. 82

SECOND SESSION

FIFTEENTH LEGISLATURE

13 ELIZABETH II

1965

BILL

An Act respecting the Department
of Public Works

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. COLBORNE
