

No. 85

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

BILL 85

A Bill respecting the Department of Highways

HON. MR. TAYLOR

Explanatory Note

1. This Bill will revise The Highways Department Act (chapter 140 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 6(1) in part, revised.

6. The balance of the present section 6 and section 6a revised.

BILL

No. 85 of 1965

An Act respecting the Department of Highways

(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 Highways Act*".

2. In this Act,

(a) "highway" includes

(i) every public highway, road allowance, thoroughfare, public travelled road, trail or other way vested in Her Majesty in right of Alberta, and

(ii) every bridge, culvert, drain, ditch or other accessory to a highway constructed or erected thereon, thereunder or adjacent thereto or used and enjoyed therewith;

(b) "Minister" means the Minister of Highways.

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

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

5. Except as provided in any other Act, the Minister shall administer all public lands that are held, used or occupied for highways or for purposes ancillary thereto.

6. (1) The Minister, in his discretion, may sell, lease or otherwise dispose of any public land under his jurisdiction that is no longer required for a public work.

(2) Where machinery, equipment, stock or material not acquired by purchase out of the stock advance fund is no

7. The present section 14, subsection (3) revised.

8. The present section 10 with the total of the fund increased from \$9,500,000 to \$10,000,000 in subsection (3) and with the advances under subsection (4) increased from \$200,000 to \$500,000 and \$50,000 to \$100,000.

9. The present section 11.

longer required, the Minister may sell, lease or otherwise dispose of it on such terms and conditions as he deems proper and the proceeds, if any, of the sale or disposition form part of the General Revenue Fund.

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

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

7. The design, construction, alteration, repair or maintenance of a highway for which the Minister is responsible may be done either

(a) by employees in the Department of Highways, or

(b) by any other persons 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 Highways.

(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 land, machinery, equipment, stock or material required by the Department.

(3) The net amount of the advances at any time shall not exceed ten million dollars.

(4) The Provincial Treasurer shall not make advances to the stock advance fund for the purchase of land in excess of five hundred thousand dollars in any one year, nor shall more than one hundred thousand dollars be advanced for the payment of any one parcel of land.

9. (1) Where land, 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 land, 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 land, machinery, equipment, stock or material purchased out of 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.

10. The present section 12.

11. The present section 23.

12. Repeal of present Act.

13. Commencement of Act.

- (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. (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 shall make and submit to the Lieutenant Governor in Council an annual report on the operation of his Department.

(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 Highways.

12. This Act repeals and replaces *The Highways Department Act*.

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

No. 85

SECOND SESSION

FIFTEENTH LEGISLATURE

13 ELIZABETH II

1965

BILL

An Act respecting the Department
of Highways

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. TAYLOR
