

No. 109

3rd Session, 15th Legislature, Alberta
14 Elizabeth II

BILL 109

A Bill to amend The Public Utilities Board Act

HON. MR. HOOKE

Explanatory Note

1. This Bill amends chapter 85 of the Statutes of Alberta, 1960.

2. The provisions enumerated in the new subsection (3) deal with applications to the Board for its consent to a purchase by a municipal corporation of a utility operated by a contractor under a contract that has expired but has not been renewed. The new subsection (3) is intended to allay doubts as to whether the Board has, under those provisions, jurisdiction to determine the price of the utility before deciding on whether its consent should be given to the purchase, or before the municipality has even committed itself to purchase the utility. The provisions mentioned in the subsection are all virtually identical. Section 410, subsection (2), clause (b) of The City Act reads:

(2) Any such contract, whether or not it contains an express provision to that effect, is subject to the following condition, namely,

(b) that, if either party refuses to renew the contract, or if the parties fail to agree as to the conditions of the renewal, then the council, subject to the consent of the Board of Public Utility Commissioners, may purchase all the rights of the contractor in all matters and things under the contract and in all apparatus and property used for the purposes thereof, for such price and on such terms as may be agreed upon with the contractor, or failing such agreement, then for such price and on such terms as may be fixed and settled by the Board of Public Utility Commissioners on the application of either of the parties.

3. Commencement of Act.

BILL

No. 109 of 1966

An Act to amend The Public Utilities Board Act

(Assented to _____, 1966)

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

1. *The Public Utilities Board Act* is hereby amended.

2. Section 28 is amended by adding the following subsection:

(3) The Board has, and shall be deemed at all times to have had, jurisdiction to fix and settle, upon application, the price and terms of purchase by a council of a city, town, village, municipal district or county, as the case may be, pursuant to clause (b) of subsection (2) of section 410 of *The City Act*, clause (b) of subsection (2) of section 350 of *The Town and Village Act* or clause (b) of subsection (5) of section 296 of *The Municipal District Act*

- (a) before the exercise by the council under any of those provisions of its right to purchase and without binding the council to purchase, or
- (b) where an application is made under any of those provisions for the Board's consent to the purchase, before hearing or determining the application for its consent.

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

No. 109

THIRD SESSION
FIFTEENTH LEGISLATURE
14 ELIZABETH II
1966

BILL

An Act to amend The Public
Utilities Board Act

Received and read the

First time

Second time

Third time

HON. MR. HOOKE
