

1969 Bill 115

Second Session, 16th Legislature, 18 Elizabeth II

THE ~~LEGISLATIVE~~ ASSEMBLY OF ALBERTA

BILL 115

An Act to amend The Treasury Branches Act

THE PROVINCIAL TREASURER

First Reading

Second Reading

Third Reading

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1969

An Act to amend The Treasury Branches Act

(Assented to _____, 1969)

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

1. *The Treasury Branches Act* is hereby amended.
2. Section 2 is amended by adding the following after clause (b) :
 - (b1) "Fund" means the Treasury Branches Deposits Fund;
3. Section 4 is struck out and the following is substituted :
 4. (1) Pursuant to *The Public Service Act, 1968* there may be appointed
 - (a) a Superintendent of Treasury Branches,
 - (b) for each treasury branch, a manager, an assistant manager, an accountant and any other employees required for the purposes of the branch, and
 - (c) any other officers and employees required for the purposes of the supervision of the treasury branches.
 - (2) Subject to subsection (3), the Superintendent of Treasury Branches, the manager, assistant manager and accountant of each treasury branch and any other officer or employee appointed under subsection (1) who is authorized for the purpose by the Superintendent of Treasury Branches
 - (a) may exercise the powers and perform the duties of the Minister under section 5 or any contract or arrangement that may be made or entered into by the Minister under this Act or by a treasury branch under any other Act,

Explanatory Notes

1. This Bill amends chapter 344 of the Revised Statutes.

2. "Fund" defined.

3. Section 4 presently reads:

4. Subject to the provisions of The Public Service Act, the Minister with the approval of the Lieutenant Governor in Council

(a) may appoint such officers, agents, clerks and employees as are required for the establishment, management and supervision of the treasury branches, and

(b) may fix the remuneration and prescribe the duties of any person so appointed.

Section 4 is rewritten to conform with the procedures under The Public Service Act, 1968 and also to make it clear that senior officials and staff of the treasury branches are empowered to act for the Provincial Treasurer in the course of carrying on the functions of the branches.

It also gives power to the Superintendent to appoint treasury branch agents.

- (b) shall be deemed to be persons authorized by the Minister to act on his behalf under section 6, subsection (1),
- (c) shall be deemed to be duly authorized agents of the Minister for the purposes of section 6, subsections (3) and (4), and
- (d) shall be deemed to be persons authorized by the Minister to enter into contracts or arrangements on his behalf under sections 7 and 7a.

(3) The powers and duties conferred or imposed by subsection (2) on persons other than the Superintendent shall be exercised and performed subject to the directions of the Superintendent.

(4) The Superintendent may enter into an agreement or arrangement with any person providing for the following, namely,

- (a) appointing that person as an agent of the Minister for the purposes of receiving deposits under section 5, entering into contracts on the Minister's behalf under section 6 and for any purposes specified in the agreement, and
- (b) the remuneration to be paid to that person.

4. Section 5 is struck out and the following is substituted :

5. The Minister may receive moneys on deposit subject to the terms and conditions of any contract made by the depositor pursuant to this Act.

5. Section 6 is amended

- (a) as to subsection (1) by striking out clause (a) and by substituting the following:
 - (a) to enter into such contracts with any persons pertaining to the making of deposits with the Minister, and
- (b) as to subsection (3), clause (a) by striking out the words "deposits received under the provisions of this Act" and by substituting the words "moneys in the Fund",
- (c) as to subsection (3), clause (b) by striking out the words "the deposits received in the branches of the treasury" and by substituting the words "moneys in the Fund",
- (d) as to subsection (4), clause (a) by striking out the words "deposits received in the branches of the treasury under the provisions of this Act" and by substituting the words "moneys in the Fund",

4. Section 5 presently reads:

5. (1) The Minister may receive as a deposit the money, bank cheques, legal tender, currency or coinage of any country or an order upon a treasury branch subject to such terms and conditions as may be prescribed in the contract entered into between the Provincial Treasurer and the depositor pursuant to the provisions of this Act.

(2) The Minister

- (a) may receive from depositors deposits of transferable savings certificates issued pursuant to The Savings Certificates Act,
- (b) may issue receipts for transferable savings certificates issued pursuant to The Savings Certificates Act, and
- (c) may receive from depositors assignments of the whole or any part of such deposits in amounts of not less than five dollars or any multiple thereof and in such form as the Minister may approve.

(3) Any deposits received pursuant to subsection (2) shall be kept in an account separate and apart from any deposit received under the provisions of subsection (1).

5. Section 6 (1) (a), (3) and (4) presently read:

6. (1) Subject to the provisions of this Act, the Minister may authorize any person or persons on his behalf

- (a) to enter into such contracts as he considers proper with any persons, providing for the terms and conditions subject to which any deposit of money, bank cheques and orders drawn upon any other deposit to which this Act relates, or any of them, are to be dealt with by the Minister, and

(3) Notwithstanding the terms and provisions of any contract, whether made before or after the passing of this Act, the Minister either himself or by his duly authorized agents

- (a) may invest any deposits received under the provisions of this Act in such securities and improved real property as he may prescribe and may from time to time vary and transpose any investments so made, and

- (b) may use any of the deposits received in the branches of the treasury to make purchases of goods, wares or merchandise for resale on such terms as to payment as may be agreed upon.

(4) Subject to the terms and provisions of any contract existing on the tenth day of January, 1941, or to any regulations made pursuant to this Act, the Minister, either himself or by his duly authorized agents,

- (a) may loan any deposits received in the branches of the treasury under the provisions of this Act to persons, firms or corporations upon such terms as may be agreed upon, and
- (b) in connection with any such loan may take such negotiable instruments and securities as he may from time to time direct.

See note to clause 6 of this Bill.

- (e) as to subsection (4) by striking out clause (b) and by substituting the following:
 - (b) may take any security for any loan so made.

6. Section 9 is struck out and the following is substituted:

9. (1) the following property held by the Minister on the commencement of this section shall form a fund called the "Treasury Branches Deposits Fund", namely,

- (a) deposits received by him under this Act,
- (b) investments made under section 6, subsection (3), clause (a),
- (c) goods, wares and merchandise purchased under section 6, subsection (3), clause (b),
- (d) loans made under section 6, subsection (4), clause (a), and
- (e) all other moneys, funds and revenues of the treasury branches.

(2) The Fund

- (a) shall be administered by the Minister in accordance with this Act, and
- (b) does not form part of the General Revenue Fund.

(3) Part 3 and sections 59 and 60 of *The Financial Administration Act* do not apply to expenditures from the Fund.

(4) After the commencement of this section the following shall be paid into and shall form part of the Fund:

- (a) deposits received by the Minister under this Act;
- (b) the income from and the proceeds of the sale of investments purchased under section 6, subsection (3), clause (a) before or after the commencement of this section;
- (c) the proceeds from the resale of goods, wares or merchandise purchased under section 6, subsection (3), clause (b) before or after the commencement of this section;
- (d) moneys received in repayment of loans made under section 6, subsection (4), clause (a) before or after the commencement of this section, and interest on such loans, and the moneys received upon the realization of any security given for such loans;
- (e) moneys received by the Minister under contracts or arrangements made under section 7a before or after the commencement of this section;
- (f) all other moneys, funds or revenues received in the course of the operation of the treasury branches.

6. Section 9 presently reads:

9. Subject to section 10, all earnings and profits of the treasury branches arising in connection with the operation thereof shall be paid into and form part of the General Revenue Fund of the Province, and all expenditures made and liabilities incurred pursuant to this Act shall be paid out of and be chargeable to the General Revenue Fund of the Province.

The new section constitutes the deposit moneys of the treasury branches as a separate Fund from which investments and loans are made. At present, the deposits are paid into the General Revenue Fund and all investments and loans are made from that Fund. Operation costs for salaries, equipment, etc. will come from appropriations only and will not be chargeable to the Treasury Branches Deposits Fund. As loans can only be made from the new Fund, it will be apparent on the face of the Act that the total amount of loans made by the treasury branches will never exceed the deposits.

(5) After the commencement of this section, the following shall be paid out of the Fund:

- (a) moneys payable to depositors in accordance with their contracts with the Minister;
- (b) moneys payable as the purchase price for securities or improved real estate invested in pursuant to section 6, subsection (3), clause (a);
- (c) moneys payable as the purchase price for goods, wares or merchandise purchased under section 6, subsection (3), clause (b);
- (d) loans made under section 6, subsection (4), clause (a);
- (e) all other obligations or expenditures incurred in the course of the operation of the Fund or the treasury branches except those that are specified by the Minister as not being chargeable to the Fund.

(6) Expenditures in connection with the operation of the treasury branches that are not to be paid out of the Fund pursuant to subsection (5) shall be paid out of moneys appropriated by the Legislature.

(7) The Minister may at any time transfer all or any portion of the surplus of the Treasury Branches Deposits Fund into the General Revenue Fund.

7. Section 10, subsection (1) is amended by striking out the words "earnings and profits of the treasury branches" and by substituting the words "surplus of the Fund".

8. (1) This Act comes into force on the day upon which it is assented to, and upon coming into force, section 2 and sections 4 to 7 shall be deemed to have been in force at all times on and after April 1, 1969.

(2) The persons heretofore appointed under *The Public Service Act, 1968* or its predecessors, as the Superintendent of Treasury Branches, managers, assistant managers, accountants and employees of the treasury branches respectively, shall be deemed to have had, while so employed, the respective powers given them under section 4 of *The Treasury Branches Act* as enacted by section 3 of this Act.

(3) A person heretofore appointed as an agent of the Provincial Treasurer under section 4 of *The Treasury Branches Act* continues as an agent of the Provincial Treasurer subject to the provisions of any agreement heretofore executed by him.

7. Section 10 (1) presently reads:

10. (1) The Minister, in order to make provision for bad and doubtful debts, may establish out of the earnings and profits of the treasury branches a reserve to be known as "Reserve for Bad and Doubtful Debts", which shall be established and maintained at the Edmonton main treasury branch.

The amendment is made as a consequence of the new section 9. Losses to the Fund for bad debts will be made up from the Reserve for Bad and Doubtful Debts which in turn is maintained from earnings of the Fund.