

1973 Bill 52

Second Session, 17th Legislature, 21 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 52

The Public Utilities Board Amendment Act, 1973

THE MINISTER OF TELEPHONES AND UTILITIES

First Reading

Second Reading

Third Reading

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1973

THE PUBLIC UTILITIES BOARD AMENDMENT ACT, 1973

(Assented to _____, 1973)

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

1. *The Public Utilities Board Act is hereby amended.*
2. *Section 3, subsection (2) is amended by striking out the word "three" and by substituting the words "not more than five".*
3. *Section 4 is struck out and the following section is substituted:*
 4. (1) The members of the Board shall, at the direction of the chairman, sit as
 - (a) the Board, or
 - (b) a division of the Board, or
 - (c) two divisions of the Board.
 - (2) Three members constitute a quorum at a sitting of the Board or at a sitting of a division of the Board.
 - (3) The Board may sit in two divisions simultaneously or at different times.
 - (4) Any decision or other action of the Board made or taken at a sitting of the Board at which a quorum is present is the decision or action of the Board and binds all members of the Board.
 - (5) Where a division of the Board, at which a quorum is present, sits, whether by itself or simultaneously with the other division of the Board, any decision or action of the division is the decision or action of the Board and binds all members of the Board.
 - (6) Where a division of the Board sits at the direction of the chairman, that division may exercise and perform the jurisdiction, powers and duties of the Board.
 - (7) The chairman may designate a member to preside at any sitting of the Board, or a division thereof, at which the chairman is not present.

Explanatory Notes

1. This Bill will amend chapter 302 of the Revised Statutes of Alberta 1970.

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

(2) The Board shall be composed of three members to be appointed by the Lieutenant Governor in Council.

3. Section 4 presently reads:

4. In the event of the absence of any members of the Board, or of their inability to act, or in the event of any vacancies in the membership of the Board, the member of the Board present may exercise all the jurisdiction and powers of the Board.

(8) Notwithstanding subsection (2), where a hearing, inquiry, investigation or other proceeding is held by the Board, and a member or members of the Board is or are for any reason unable to attend on any day or part of a day, the other member or members present who were sitting on the hearing, inquiry, investigation or other proceeding may exercise and perform all the jurisdiction, powers and duties of the Board.

4. Section 9 is struck out and the following section is substituted:

9. (1) The Lieutenant Governor in Council may from time to time, upon the request of the chairman of the Board, nominate one or more persons from among whom acting members of the Board may be selected.

(2) When in his opinion it is necessary or desirable for the proper and expeditious performance of the Board's duties, the chairman may name a person nominated under subsection (1) as an acting member for a period of time, or during any circumstances, or for the purpose of any matter before the Board.

(3) An acting member has, during the period, or under the circumstances, or for the purpose for which he is named as an acting member, all the powers of and may perform all the duties of a member of the Board and shall receive such remuneration as may be prescribed by the Lieutenant Governor in Council.

(4) Section 3, subsection (2) does not prevent the enlargement of the Board to more than five members by the naming of one or more acting members in accordance with this section, but the Board shall not be enlarged pursuant to this section so that there are more than eight members during any period of time.

5. Section 36, subsection (3) is struck out and the following subsection is substituted:

(3) Any application, petition, matter or complaint over which the Board has jurisdiction under this Act or any other Act may be heard by three members of the Board or by a single member of the Board and after the hearing the members or member shall report their or his findings to the Board, and the Board may thereupon deal with the application, petition, matter or complaint as if the hearing had been before the Board.

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

4. Section 9 presently reads:

9. (1) The Lieutenant Governor in Council, upon the request of the chairman, may appoint one or more fit and proper persons as acting members of the Board, or a substitute for an acting member to act during the absence or illness of an acting member, for such period and upon such terms and at such remuneration as may be prescribed by the Lieutenant Governor in Council.

(2) An acting member of the Board shall assist the chairman in the discharge of the powers and duties of the Board and in the performance of that duty the acting member has and may exercise all the powers and authority that are by this Act conferred upon a member of the Board.

5. Section 36, subsection (3) presently reads:

(3) Any application, petition, matter or complaint over which the Board has jurisdiction under this Act or any other Act may be heard by a single member of the Board who, after the hearing, shall report his findings to the Board, and the Board may thereupon deal with the application, petition, matter or complaint as if the hearing had been before the Board.