

1976 Bill 51

Second Session, 18th Legislature, 25 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 51

THE DEPARTMENT OF GOVERNMENT SERVICES
AMENDMENT ACT, 1976

HONOURABLE HORST A. SCHMID

First Reading

Second Reading

Third Reading

BILL 51

1976

THE DEPARTMENT OF GOVERNMENT SERVICES AMENDMENT ACT, 1976

(Assented to _____, 1976)

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

1. *The Department of Government Services Act is hereby amended.*

2. *Section 1 is amended by adding after clause (a) the following clause:*

- (a1) "department", except in sections 7 and 8.1, means a department of the public service of Alberta and includes
- (i) any board, commission or organizational unit that forms part of the public service of Alberta but is not part of any department thereof, and
 - (ii) any corporation that is an agent of the Crown in right of Alberta;

3. *Section 8 is struck out and the following section is substituted:*

8. (1) For the purposes of the acquisition and provision of supplies or services for departments, the Minister of Government Services may enter into agreements with any person.

(2) Unless responsibility therefor is specifically assigned to some other Minister by an Act or by an order of the Lieutenant Governor in Council, the Minister of Government Services is responsible for the heating, care, maintenance, alteration, extension, repair and management of all property held, used or occupied for public works of the Government of Alberta.

4. *The following section is added after section 8:*

8.1 (1) In this section

- (a) "department" means every department of the public service of Alberta and every branch thereof, and

Explanatory Notes

1. This Bill will amend chapter 11 of the Statutes of Alberta, 1975 (Second Session).

2. Definition.

3. Section 8 presently reads as follows:

8. (1) Unless the administration thereof is assigned or transferred to some other Minister by an Act or by an order of the Lieutenant Governor in Council, the Minister of Government Services has the administration of all real property held, used or occupied for public works of the Government of Alberta.

(2) Unless responsibility therefor is specifically assigned to some other Minister by an Act or by an order of the Lieutenant Governor in Council, the Minister of Government Services is responsible for

(a) the acquisition, disposition and servicing of all property for every department of the Government of Alberta, and

(b) the heating, lighting, care, maintenance, repair and management of all property held, used or occupied for public works of the Government of Alberta.

4. Provides for the reorganization of the supply service currently provided by the Alberta Government Purchasing Agency.

(b) "supplies"

(i) means goods, wares and other personal property required by a department for the transaction of its business and affairs, and

(ii) without derogating from the generality of subclause (i), includes furnishings, whether fixtures or otherwise, and equipment and stationery.

(2) In accordance with *The Public Service Act* there shall be appointed a Director of Purchases.

(3) The Director of Purchases may acquire by purchase or otherwise all supplies that are required from time to time by a department.

(4) Except as provided in subsections (7) and (8), every department shall acquire its supplies through the Director of Purchases.

(5) The Director of Purchases may enter into agreements with any board, corporation, commission or institution receiving its operating funds in whole or in part from the Government of Alberta to act as its agent for the purpose of acquiring supplies, if the board, corporation, commission or institution is specified in the regulations under subsection (8), clause (c).

(6) All acquisitions of supplies under this section shall be made by public tender except where the Director of Purchases is of the opinion that it would be more practical or expedient to acquire supplies by some other method.

(7) Where he is satisfied that a department can for any reason acquire supplies at a lower cost, the Director of Purchases, by an order which may be

(a) general in all its terms, or

(b) limited to any supplies or to any department designated therein,

may permit the acquisition by a department of any supplies otherwise than through the Director of Purchases.

(8) The Lieutenant Governor in Council may

(a) declare that any kind of supplies designated in the order may be acquired for all departments or for any specified department otherwise than through the Director of Purchases but in accordance with any regulations under clause (b),

(b) make regulations with regard to the manner in which such purchases may be made, and

(c) make regulations specifying the boards, corporations, commissions and institutions with which the Director of Purchases may enter into agreements under subsection (5).

5. Section 9 is struck out.

5. Section 9 presently reads:

9. (1) Subject to the provisions of this section, the Minister may, with the approval of the Lieutenant Governor in Council, sell, lease or otherwise dispose of any estate or interest in land held by the Crown and under his administration or any improvements that are on or have been removed from such land.

(2) A sale of land or improvements under subsection (1) shall be made

(a) following the submission of tenders or a public auction, and

(b) only after the Minister has obtained two or more appraisals of the market value of the land or improvements, at least one of which shall be obtained from an appraiser who is not an employee of the Government and who carries on business as an appraiser.

(3) Subsection (2), clause (a) does not apply

(a) where, following the submission of tenders or at public auction, no tenders or bids were received or the highest tender or bid received was insufficient in the opinion of the Minister, having regard to the market value of the land or improvements according to appraisals obtained by the Minister, or

(b) where the sale is made in exchange for other land or improvements and in the opinion of the Minister adequate compensation is obtained for the land or improvements sold by the Minister, or

(c) where the sale is made to

(i) a municipal corporation, the board of trustees of a school district or school division, the board of directors of an irrigation district or the board of trustees of a drainage district, or

(ii) a university, college or other educational institution or the owner of a public hospital, or

(iii) a corporation that is an agent of the Crown or that is incorporated for the purpose of carrying out any governmental function and is wholly or substantially supported by moneys appropriated by the Legislature or the Parliament of Canada for the purposes of that corporation, or

(iv) a corporation to which Part 9 of The Companies Act applies, a corporation incorporated under The Societies Act or any other corporation incorporated for a purpose other than profit or gain, or

(v) any person in accordance with a trust in favour of that person, or

(vi) any person in accordance with an obligation in favour of that person and the sale is exempted from the operation of subsection (2), clause (a) by an order of the Lieutenant Governor in Council.

(4) Notwithstanding subsection (2), clause (b), a sale of lands or improvements under this section to a person referred to in subsection (3), clause (c) may be made for a nominal consideration or for a price less than their market value.

(5) A lease or other disposition of a mine or mineral shall be made pursuant to The Mines and Minerals Act.

(6) The Lieutenant Governor in Council may transfer to the Crown in right of Canada the administration and control of land belonging to the Crown in right of Alberta and under the administration of the Minister.

6. *Section 11 is amended*

- (a) *as to subsection (1) by striking out the words "of the Government and of any corporation that is an agent of the Crown", and*
- (b) *by striking out subsections (5), (6), (7), (8) and (9).*

7. *The following section is added after section 11:*

11.1 (1) Subject to any other Act, all lost or unclaimed property in the custody of the Government of Alberta shall be retained for one year from the time the property came into the custody of the Government.

(2) If not claimed within one year from the time the property came into the custody of the Government, the Minister may dispose of the property on behalf of the Government of Alberta.

(3) A purchaser of property under this section becomes the owner thereof and any claim of an earlier owner shall be only for the proceeds of the sale less the cost of hauling and storage and less any other necessary expenses, including the costs of the sale, that have been incurred by the Government.

6. Section 11 presently reads:

11. (1) The Minister is responsible on behalf of the Government of Alberta for the disposition of all surplus items of material, equipment and other things of all departments of the Government and of any corporation that is an agent of the Crown.

(2) The Minister may enter into agreements with such boards, corporations, commissions and institutions receiving their operating funds in whole or in part from the Government of Alberta as may be specified in the regulations, to act as their agent for the disposition of their surplus items of material, equipment and other things.

(3) The Lieutenant Governor in Council may make regulations specifying the boards, corporations, commissions and institutions with which the Minister may enter into agreements under subsection (2).

(4) A sale under subsection (1) or (2) may be made for a nominal consideration or at a price less than market value where the sale is made to

(a) a municipal corporation, the board of trustees of a school district or school division, the board of directors of an irrigation district or the board of trustees of a drainage district, or

(b) a university, college or other educational institution or the owner of a public hospital, or

(c) a corporation that is an agent of the Crown or that is incorporated for the purpose of carrying out any governmental function and is wholly or substantially supported by moneys appropriated by the Legislature or the Parliament of Canada for the purposes of that corporation, or

(d) a corporation to which Part 9 of The Companies Act applies, a corporation incorporated under The Societies Act or any other corporation incorporated for a purpose other than profit or gain, or

(e) any person in accordance with a trust in favour of that person, or

(f) any person in accordance with an obligation in favour of that person, if the sale is approved by an order of the Lieutenant Governor in Council.

(5) Subject to any other Act, all lost or unclaimed property in the custody of the Government of Alberta shall be retained for one year from the time the property came into the custody of the Government.

(6) If not claimed within one year from the time the property came into the custody of the Government, the Minister may dispose of the property on behalf of the Government of Alberta.

(7) A purchaser of property under this section becomes the owner thereof and any claim of an earlier owner shall be only for the proceeds of the sale less the cost of hauling and storage and less any other necessary expenses, including the costs of the sale, that have been incurred by the Government.

(8) No claim may be made

(a) to the property after one year from the date that the property came into the custody of the Government unless the property is still in the custody of the Government, or

(b) to the proceeds of the sale of the property after one year from the date that the property was disposed of by the Department.

(9) This section does not apply to vehicles as defined in The Motor Vehicle Administration Act.

7. Unclaimed property.

(4) No claim may be made

- (a) to the property after one year from the date that the property came into the custody of the Government unless the property is still in the custody of the Government, or
- (b) to the proceeds of the sale of the property after one year from the date on which the property was disposed of by the Minister.

(5) This section does not apply to abandoned vehicles to which section 96 of *The Motor Vehicle Administration Act* applies.

8. *Sections 12, 13 and 14 are struck out and the following sections substituted:*

12. (1) The Minister shall establish and administer an advance account for the Department of Government Services.

(2) The Provincial Treasurer shall, upon the requisition of the Minister, advance from and out of the General Revenue Fund to the advance account administered by the Minister such sums as may be required from time to time by the Minister to

- (a) acquire equipment, services and supplies that are necessary in order for the Minister to provide a data processing and computer service to any department, or
- (b) acquire vehicles, aircraft, equipment, services and supplies required by the Minister to provide land and air transportation services to any department other than a department which has been provided with transportation services by the Minister of Transportation under *The Department of Transportation Act*, or
- (c) acquire printing, duplicating, publishing, photocopying and information services provided by the Minister to any department, or
- (d) acquire any labour, equipment and supplies provided by the Minister to any department for the purposes of the alteration, repair, maintenance and extension of a public work or part thereof used by that department, or
- (e) acquire warehousing and distribution services provided by the Minister to any department, or
- (f) pay for supplies acquired pursuant to section 8.1.

(3) The net amount outstanding at any time in respect of advances under subsection (2) shall not exceed \$45,000,000.

8. Sections 12, 13 and 14 presently read:

12. (1) The Minister shall establish and administer a stock advance fund for the Department of Government Services.

(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 \$5,000,000.

13. (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.

14. (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 for 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.

(4) On or before the 15th day of June in each year the Minister shall cause to be prepared an operating statement and balance sheet covering the advance account for the immediately preceding fiscal year.

(5) The operating statement and balance sheet shall be audited by the Provincial Auditor in each fiscal year and included in the Public Accounts for that year.

(6) Any surplus arising from the advance account shall be paid into the General Revenue Fund and the amount of any deficit may be deducted from the surplus of any succeeding fiscal year or years before the surplus is transferred to the General Revenue Fund.

13. (1) Where equipment, services, supplies, vehicles, aircraft or labour are provided to or acquired for and delivered to a particular department, the Minister may charge the fair value thereof to that department.

(2) Where any equipment, supplies, vehicles or aircraft acquired by the Minister are no longer required, the Minister may sell or otherwise dispose of the same on such terms and conditions as the Minister considers proper.

(3) The amount of

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

(b) the proceeds of a sale or other disposition made under subsection (2),

shall be credited in reduction of the amount of the advances made by the Provincial Treasurer under section 12.

9. The Alberta Historical Resources Act is amended as to section 8, clause (h) by striking out the words "the provision and maintenance of" and by substituting the words "arrange for the establishment of facilities for".

10. The Alberta Government Purchasing Agency Act is repealed.

9. Amends chapter 5 of the Statutes of Alberta, 1973.

10. Consequential. Repeals chapter 304 of the Revised Statutes of Alberta 1970.

11. The Queen's Printer Act is amended by striking out sections 7, 8, 9, 10, 11 and 12 and by substituting the following section:

7. The Minister of Government Services is charged with the administration of this Act.

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

11. Amends chapter 307 of the Revised Statutes of Alberta 1970. Sections 7 to 12 of The Queen's Printer Act presently read:

7. The Queen's Printer shall, if necessary, cause to be printed, numbered and bound blank forms of receipts and licences, with such counterfoils as are necessary, for use in collecting or accounting for a portion of revenue, and shall issue the same to the head of the department concerned.

8. (1) The Queen's Printer shall

(a) procure all stationery and general office supplies, and

(b) have all printing and bindery work done,

that is required for the use of the Legislative Assembly or a department of the public service.

(2) The Provincial Treasurer may, on a requisition of the Queen's Printer, advance out of the General Revenue Fund such sums of money as are required to pay for the stationery, office supplies, printing or bindery work, referred to in subsection (1), but the net amount of such advances shall not at any time exceed \$400,000.

9. The Queen's Printer shall supply any article purchased in the manner provided for in section 8, on a requisition therefor by the head of the department having charge of the service in connection with which such stationery, office supplies, printing or bindery work is required.

10. The quantity of articles supplied under section 9 and the value thereof shall be charged by the Provincial Treasurer to the particular service in connection with which the supplies are required, on an account thereof being rendered by the Queen's Printer, and the amount of such charge shall at the same time be credited to the amount of advances made by the Provincial Treasurer on the requisition of the Queen's Printer under section 8.

11. (1) In computing the value of an article supplied to a department the Queen's Printer shall take into account the cost of any assistance that has been given by a person in connection with the handling, storage, transportation or distribution of such article between the times of its being first ordered and finally distributed.

(2) The Provincial Treasurer may advance to the Queen's Printer the cost of such assistance or other expenditure as though the payment was for the original purchase of an article.

12. (1) The Queen's Printer on or before the tenth day of April in each year shall cause to be prepared and submitted to the Provincial Auditor for certification trading, profit and loss accounts, and statement of assets and liabilities, covering operations 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) Any profit arising from the operations of the year as shown by the said statements forms part of the General Revenue Fund of the Province.

(4) Where a deficit has occurred in operations for the fiscal year the amount of such deficit shall be deducted from the profit of any succeeding fiscal year or years before such profit is transferred to the General Revenue Fund.