

1978 BILL 25

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Fourth Session, 18th Legislature, 27 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA 

# BILL 25

**THE UTILITIES AND TELEPHONES  
STATUTES AMENDMENT ACT, 1978**

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THE MINISTER OF UTILITIES AND TELEPHONES

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

*Bill 25*

## **BILL 25**

1978

### **THE UTILITIES AND TELEPHONES STATUTES AMENDMENT ACT, 1978**

*(Assented to , 1978)*

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

#### **The Co-operative Associations Act**

*1(1) The Co-operative Associations Act is amended by this section.*

*(2) Section 41.1 is amended*

*(a) in subsection (2)(a) and (b) by adding “in a form pre-  
scribed by the Minister” after “agreement”, and*

*(b) in subsection (3) by striking out “agrees in writing to”  
and substituting “enters into an agreement in a form pre-  
scribed by the Minister that provides that the owner shall”.*

## Explanatory Notes

### The Co-operative Associations Act

1(1) This section will amend chapter 67 of the Revised Statutes of Alberta 1970.

(2) Section 41.1(2) and (3) presently reads:

*(2) Before any action is taken under subsection (1), the association shall give the owner of the lands an opportunity to enter into an agreement respecting the removal and, if the owner requests an agreement, the agreement shall at his option be either*

*(a) an agreement providing that*

*(i) the service contract, if any, is terminated,*

*(ii) the owner's membership, if any, in the association is terminated,*

*(iii) the net salvage proceeds shall be paid to the owner, and*

*(iv) in the event that the owner later applies to have the supply of electricity re-established, he shall pay the average installation cost paid by other members of the association or the actual cost of the installation, whichever is the greater,*

*or*

*(b) an agreement providing that*

*(i) the service contract, if any, is terminated,*

*(ii) the owner's membership, if any, in the association is terminated,*

*(iii) the net salvage proceeds shall be paid into the association's deposit account, and*

*(iv) in the event that the owner later applies to have the supply of electricity re-established, he shall pay the actual cost of the installation,*

(3) *Section 41.2(2)(a) is repealed and the following is substituted:*

(a) the Director shall, within 5 days of giving it to the company, serve a copy of that notice on the person in default either personally or by registered mail addressed to the address of that person according to the billing records of the utility company, and

#### **The Co-operative Marketing Associations Guarantee Act**

*2(1) The Co-operative Marketing Associations Guarantee Act is amended by this section.*

*(2) The title of the Act is amended by adding “AND RURAL UTILITIES” after “ASSOCIATIONS”.*

*(3) Section 1 is repealed.*

*(4) Section 3(1)(c) is amended by adding “, quarterly” after “semi-annual”.*

*(5) Section 8(2) is amended by striking out “to enforce any lien notes made by its” and substituting “and of the person entitled to the benefit of the guarantee, to enforce any lien notes made by the association’s”.*

*(6) Section 12 is amended by adding the following after subsection (4):*

(5) The Provincial Treasurer may enforce, in the name of the Crown in right of Alberta, a lien note given under this section in respect of a loan guaranteed under section 3.

*less the proceeds referred to in subclause (iii), notwithstanding that the payment may be less than the average installation cost paid by other members of the association.*

*(3) Notwithstanding subsection (1), there shall be no removal where the owner of the lands agrees in writing to pay for the cost of maintaining the line and any fitting, apparatus, wire, conductor, transformer, pole or other thing constructed or placed on the lands by or on behalf of the association but subsection (1) shall apply in the event that any payment required by the agreement is not made.*

(3) Section 41.2(2) presently reads, in part:

(2) *Where a notice is given to a utility company under subsection (1),*

*(a) the association or the Director shall, within five days of giving it to the company, serve a copy of that notice on the person in default either personally or by registered mail addressed to the address of that person according to the records of the association, and*

### **The Co-operative Marketing Associations Guarantee Act**

2(1) This section will amend chapter 68 of the Revised Statutes of Alberta 1970.

(2) This name will reflect the use to which the Act is put.

(3) Section 1 presently reads:

*1 This Act may be cited as The Co-operative Marketing Associations Guarantee Act.*

(4) Provides that a sum, the repayment of which is to be guaranteed by the Provincial Treasurer on behalf of the Province, may be repaid in quarterly as well as annual, semi-annual or monthly installments.

(5) Section 8(2) presently reads:

*(2) Where the Provincial Treasurer is called upon to make any payment in respect of a guarantee executed pursuant to section 3, he is also subrogated to the rights of the borrowing association to enforce any lien notes made by its members pursuant to section 12 and notice of which is filed pursuant to section 14.*

(6) Provides for the enforcement of a lien note by the Provincial Treasurer.

### **The Rural Electrification Revolving Fund Act**

*3(1) The Rural Electrification Revolving Fund Act is amended by this section.*

*(2) Section 4(2) is amended by striking out “twenty-five million dollars” and substituting “\$35 000 000”.*

*(3) Section 26(2) is repealed and the following is substituted:*

*(2) If*

*(a) the Lieutenant Governor in Council, in the case of an additional loan in excess of \$15 000, or*

*(b) the Minister, in the case of an additional loan not in excess of \$15 000,*

*is satisfied that an additional loan is in the public interest and that the association desires the additional loan, the Lieutenant Governor in Council may direct or the Minister may request, as the case may be, the Provincial Treasurer to advance the sum of the loan from the fund on the terms and conditions prescribed.*

### **The Rural Gas Act**

*4(1) The Rural Gas Act is amended by this section.*

*(2) Section 1 is amended*

*(a) by repealing clause (b), and*

*(b) by repealing clause (c) and substituting the following:*

*(c) “chief officer” means the Deputy Minister of the Department or an employee of the Department designated by the Minister as chief officer;*

### **The Rural Electrification Revolving Fund Act**

**3**(1) This section will amend chapter 325 of the Revised Statutes of Alberta 1970.

(2) Section 4 presently reads:

*4(1) The Provincial Treasurer shall establish a fund to be known as the Rural Electrification Revolving Fund.*

*(2) From time to time there shall be advanced to the fund, upon the requisition of the Director of Co-operative Activities, such sums as may be required for the purposes of this Act, but the amount of advances outstanding at any time shall not exceed twenty-five million dollars.*

Increases the amount that may be advanced to the Rural Electrification Revolving Fund to \$35 000 000.

(3) Section 26(2) presently reads:

*(2) Upon it being shown to the satisfaction of the Lieutenant Governor in Council that an additional loan to the association would be in the public interest and that the association desires the additional loan, the Lieutenant Governor in Council may direct the Provincial Treasurer to advance the sum of the loan from the fund on the terms and conditions prescribed.*

### **The Rural Gas Act**

**4**(1) This section will amend chapter 83 of the Statutes of Alberta, 1973.

(2) Section 1(b) and (c) presently reads, in part:

*1 In this Act,*

*(b) "Branch" means the Rural Utilities Branch of the Department;*

*(c) "chief officer" means the chief officer of the Branch;*

*(3) Section 3 and the title “Rural Utilities Branch” preceding section 3 are repealed.*

*(4) Section 26 is repealed.*

*(5) The following is added after section 39(3):*

(3.1) Notwithstanding subsection (3), an easement or expropriation order is not required for a distribution line not situated on or under a street, road or lane in a case where

(a) a member-owned co-operative association is providing rural gas service to land in a subdivided area approved by the Minister,

(b) the main distribution system is situated on or under a street, road or lane, and

(c) a contract with the owner or occupier of the land served provides for a right of entry to the land for the purpose of installing and maintaining the distribution line,

but an easement or expropriation order is required if the distribution line provides gas service to land other than, or in addition to, the land on or under which the distribution line is situated.

*(6) In the following provisions “Branch” is struck out and “Department” is substituted:*

section 4(n);  
section 9(1);  
section 12(1) (b) and (2) (b);  
section 13(3);  
section 24;  
section 28(1);  
section 32.

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



(3) Section 3 presently reads:

*3(1) There shall be a branch of the Department called the "Rural Utilities Branch".*

*(2) The Minister may delegate any of his powers or duties under this Act or the regulations to the chief officer or any other officer or employee of the Branch, except the power to make regulations.*

(4) Section 26 presently reads:

*26 Where a franchise area approval or service area approval or an amendment to either is issued, or a franchise area approval is revoked, the chief officer shall inform the Director of Co-operative Activities accordingly.*

(5) Provides for circumstances where an easement or expropriation order is not required.

(6) Consequential to the repeal of section 1(b).