

1982 BILL 40

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Fourth Session, 19th Legislature, 31 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 40**

**PUBLIC UTILITIES BOARD  
AMENDMENT ACT, 1982**

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THE ATTORNEY GENERAL

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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*Bill 40*

## **BILL 40**

1982

### **PUBLIC UTILITIES BOARD AMENDMENT ACT, 1982**

*(Assented to \_\_\_\_\_, 1982)*

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 amended by this Act.*

*2 Section 1(d) is repealed.*

*3 Section 3(2) to (4) are repealed and the following is substituted:*

**(2)** The Board shall consist of such number of members, appointed by the Lieutenant Governor in Council, as he considers appropriate.

*4 Section 6 is repealed and the following is substituted:*

**6** A member of the Board is eligible for reappointment on the expiration of his term of office.

## Explanatory Notes

1 This Bill will amend chapter P-37 of the Revised Statutes of Alberta 1980.

2 Section 1(d) presently reads:

*(d) "Minister" means the Minister of Municipal Affairs;*

3 Section 3 presently reads:

*3(1) The Public Utilities Board is continued under the same name.*

*(2) The Board shall be composed of not more than 9 members to be appointed by the Lieutenant Governor in Council.*

*(3) Subject to section 6, a member of the Board holds office during good behaviour for 10 years from the date of his appointment to the Board, but a member is removable from office by the Lieutenant Governor in Council on address of the Legislative Assembly.*

*(4) For cause assigned, a member may be suspended at any time by the Lieutenant Governor in Council and another person appointed to act in the place of the suspended member until the session of the Legislative Assembly next ensuing after the suspension.*

4 Section 6 presently reads:

*6(1) If not disqualified by age, a member of the Board on the expiration of his term of office is eligible for reappointment.*

*(2) Subject to the provisions of the Public Service Act relating to reappointment or continuance in office, a member ceases to hold office on reaching the age of 65 years.*

5 *Section 7 is amended*

(a) *by renumbering it as subsection (1);*

(b) *in subsection (1), by adding “and benefits” after “remuneration”;*

(c) *by adding the following after subsection (1):*

(2) The Lieutenant Governor in Council may delegate all or any of his powers

(a) to prescribe or direct the remuneration or benefits,  
or

(b) to fix the terms of office

of all or any of the members to the member of the Executive Council designated by the Lieutenant Governor in Council.

6 *Section 10 is amended*

(a) *by repealing subsection (1) and substituting the following:*

**10(1)** The Lieutenant Governor in Council may nominate persons from among whom acting members of the Board may be selected, and may withdraw any such nomination.

(b) *in subsection (3) by adding “appointed under section 3” after “Board”;*

(c) *by repealing subsection (4) and substituting the following:*

(4) The Lieutenant Governor in Council may delegate his power under subsection (3) to prescribe remuneration to the member of the Executive Council designated by the Lieutenant Governor in Council.

(d) *in subsection (5) by striking out “6(2),”.*

7 *Section 90.1 is amended*

(a) *in subsection (1)(a) by striking out “in Alberta”;*

(b) *in subsection (1)(g) by striking out “Minister or the Board” and substituting “issuer of the licence”;*

**5 Section 7 presently reads:**

*7 The members of the Board shall receive the remuneration, conduct the investigations, make the reports and perform the duties, in addition to the duties assigned to them by this or any other Act, that are prescribed or directed by the Lieutenant Governor in Council.*

**6 Section 10 presently reads:**

*10(1) The Lieutenant Governor in Council may from time to time, on 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 one or more persons nominated under subsection (1) as acting members for any 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 of 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 the remuneration prescribed by the Lieutenant Governor in Council.*

*(4) Section 3(2) does not prevent the enlargement of the Board to more than 9 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 12 members during any period of time.*

*(5) Sections 6(2), 25 and 26 do not apply to acting members of the Board.*

*(6) No acting member of the Board shall hold any office or carry on any business or employment inconsistent with the performance of his duties as an acting member of the Board.*

**7 Section 90.1(1) and (3) presently read in part:**

*90.1(1) The Lieutenant Governor in Council may make regulations*

*(a) providing for the licensing of owners of public utilities in Alberta;*

*(c) in subsection (3)(b) by striking out “fine of” and substituting “fine of not more than”.*

*8 Section 103(3) is amended by adding “of Municipal Affairs” after “Minister”.*

*9 Section 114 is amended by striking out “fine of” and substituting “fine of not more than”.*

*10 Section 117 is amended by striking out “Part is, in addition to all other penalties,” and substituting “Act for which no other penalty on conviction is prescribed by this Act, is”.*

*11 The following is added after section 118:*

### **PART 3**

#### **TRANSITIONAL PROVISIONS**

**119(1)** A person holding office as a member (other than as an acting member) immediately before the commencement of section 3 of the *Public Utilities Board Amendment Act, 1982* continues to hold office as a member during good behaviour for the remainder of the term of office then applicable to him, unless previously removed from office by the Lieutenant Governor in Council on address of the Legislative Assembly.

*(g) governing the information to be given to the Minister or the Board by a licensee from time to time;*

*(3) Any person who fails to comply with a regulation made under this section is guilty of an offence and liable*

*(a) to a fine of not more than \$500, or*

*(b) in the case of a continuing offence, to a fine of \$100 a day for every day during which the offence continues.*

**8** Section 103(3) presently reads:

*(3) On application by a municipality or, in the case of an improvement district, the Minister, the Board may by order require the proprietor municipality*

*(a) to deliver, supply and furnish water at a place to be designated by the Board and to do so on the terms and conditions the Board considers proper, and*

*(b) to make available, on the terms and conditions the Board considers proper, to the municipality or improvement district making the application or on whose behalf the application was made, the sewage disposal facilities of a proprietor municipality.*

**9** Section 114 presently reads:

*114 An owner of a public utility who fails to comply with an order of the Board, after it becomes effective, is guilty of an offence and liable to a fine of \$100 a day for every day during which the default continues.*

**10** Section 117 presently reads:

*117 A person who is guilty of an offence under this Part is, in addition to all other penalties, liable to a fine of not less than \$50 nor more than \$500 and, in default of payment, if an individual, to imprisonment for a term not exceeding 6 months.*

**11** Transitional provisions.

(2) For cause assigned, a member affected by subsection (1) may be suspended at any time by the Lieutenant Governor in Council and another person appointed to act in the place of the suspended member until the session of the Legislative Assembly next ensuing after the suspension.

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*In accordance with section 4(1) of the Interpretation Act, this Bill comes into force on the date it receives Royal Assent.*