

1986 BILL 13

First Session, 21st Legislature, 35 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 13

**DEPARTMENT OF TRANSPORTATION
AMENDMENT ACT, 1986**

THE MINISTER OF TRANSPORTATION AND UTILITIES

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 13

1986

DEPARTMENT OF TRANSPORTATION AMENDMENT ACT, 1986

(Assented to _____, 1986)

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

- 1 *The Department of Transportation Act is amended by this Act.*
- 2 *The title of the Act is amended by adding “AND UTILITIES” after “TRANSPORTATION”.*
- 3 *Section 1 is amended*
 - (a) *by renumbering clause (a) as (a.1) and by adding the following before clause (a.1):*
 - (a) “Department” means the Department of Transportation and Utilities;
 - (b) *in clause (b) by adding “and Utilities” after “Transportation”.*
- 4 *Section 2 is amended by adding “and Utilities” after “Transportation” wherever it occurs.*
- 5 *Section 6 is amended by adding “and Utilities” after “Transportation”.*
- 6 *Section 9 is repealed and the following is substituted:*
 - 9(1) The Minister may in writing delegate any power, duty or function conferred or imposed on him by this Act or any other enactment under his administration to any employee of the Department or any member, officer or employee of an agent of the Crown in right of Alberta.

Explanatory Notes

1 This Bill will amend chapter D-30 of the Revised Statutes of Alberta 1980.

2 The title presently reads:

DEPARTMENT OF TRANSPORTATION ACT

3 Section 1 presently reads:

1 *In this Act,*

(a) "highway" or "road"

(i) means land used or surveyed for use as a public highway or road, and

(ii) includes a bridge forming part of a public highway or road and any structure incidental to the public highway or road or bridge;

(b) "Minister" means the Minister of Transportation.

4 Section 2 presently reads:

2 *There shall be a department of the Government called the Department of Transportation over which shall preside the member of the Executive Council appointed by the Lieutenant Governor under the Great Seal of the Province as Minister of Transportation.*

5 Section 6 presently reads:

6 *Unless the administration is assigned or transferred to some other minister by an Act or by an order of the Lieutenant Governor in Council, the Minister of Transportation has the administration of all highways the title to which is vested in the Crown in right of Alberta and all real property held, used or occupied for airports, airstrips or railways.*

6 Section 9 presently reads:

9 *The Minister may in writing*

(a) *delegate to any employee of his Department any power, duty or function required to carry out any agreement entered into by or on behalf of the Minister, other than the power to make regulations;*

(b) *authorize any employee of his Department to enter into an agreement on behalf of the Minister.*

(2) Subsection (1) does not apply to any power or duty of the Minister to make regulations.

9.1(1) The Minister may enter into agreements on or in connection with any policies, programs, services or other matters under his administration.

(2) Without limiting subsection (1), agreements may be made under that subsection with the Government of Canada or the government of a province or any agency of the Government of Canada or the government of a province.

7 Section 10 is amended

(a) in subsection (1) by striking out “his Department” and substituting “the Department for purposes related to transportation”;

(b) in subsection (2) by striking out “or material” and substituting “, material or services”.

8 Section 11 is amended

(a) in subsection (1) by adding “services are provided or” after “When”;

(b) by adding the following after subsection (2):

(2.1) When services are provided to 1 or more departments, branches or services and their value is charged to the revolving fund, the Minister may charge fair value for those services to the department, branch or service that receives them.

9(1) In the following provisions “and Utilities” is added after “Transportation” wherever it occurs:

Act	Section number
Alberta Resources Railway Corporation Act	3(1)(a), 4(1) and (2) and 10(6)
Crowsnest Pass Municipal Unification Act	10.1(3)(e)
Department of the Environment Act	11(1)(d) and 12(2)(e)
Drainage Districts Act	1(q)(ii)
Financial Administration Act	1(1)(u)(iv)
Government Land Purchases Act	4.1(1), 7.1(1) and 8(1)(b)
Highway Traffic Act	1(f) and (i.1)
Hydro and Electric Energy Act	1(1)(d)(ii)
Improvement Districts Act	29
Land Titles Act	32(5)
Mines and Minerals Act	89(1)
Motor Transport Act	1(j), 9(5) and 35(3)
Motor Vehicle Administration Act	93(1)
Municipal District of Clearwater No. 99 Incorporation Act	5(2),(3)(a) and (4)

7 Section 10 presently reads:

10(1) The Minister shall establish and administer a revolving fund for his Department.

(2) The Provincial Treasurer, on the requisition of the Minister, may make advances from the General Revenue Fund to the revolving fund of any sums the Minister may require to pay for land, machinery, vehicles, equipment, stock or material required by the Department.

(3) The net amount of the advances at any time shall not exceed \$200 000 000.

8 Section 11(1) and (2) presently read:

11(1) When land, machinery, vehicles, 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) When land, machinery, vehicles, equipment, stock or material is purchased out of the revolving fund for use by one or more departments, branches or services, and the value thereof is charged to and retained by the revolving fund, the Minister may charge a fair rent for its use to the department, branch or service by or for which it is used.

9 Consequential.

Municipal District of Cypress	
No. 1 Incorporation Act	4(1)(a) and (2)
Municipal Government Act	173(1), 179(1), 180(1) and (8), 180.01, 181(1)(b), 182(2)(b), 183(2) and 194(1)
Off-highway Vehicle Act	18(2)(a)
Pipeline Act	39(1), (3) and (4)
Planning Act	86(3.2)(b) and 131(4)
Public Highways Development Act	1(f) and (l) and 14(3)
Public Works Act	1(b)(i) and 14(3)
Railway Act	1(h) and 126(2)(a) and (b)
Surveys Act	85(2)
Water, Gas, Electric and Telephone Companies Act	1(b).

(2) *The Highway Traffic Act is amended in section 1(r.1) by striking out “Department of Transportation” and substituting “Department of Transportation and Utilities”.*

10(1) In the following provisions “Utilities and Telecommunications” is struck out wherever it occurs and “Transportation and Utilities” is substituted:

Act	Section number
Electric Energy Marketing Act	1(c) and 2(4)
Gas Protection Act	8
Hydro and Electric Energy Act	19(3) and 36(b)
Municipal Government Act	283(1)
Natural Gas Rebates Act	1(i)
Pipeline Act	9, 20(2) and 48(3)
Rural Gas Act	1(c) and (l), 4(2) and 7(1)(b).

(2) *The Crowsnest Pass Municipal Unification Act is amended in section 6(2) by adding “, or a regulation under the Department of Transportation and Utilities Act,” after “that regulation”.*

11 The Department of Utilities and Telecommunications Act is repealed.

10 Consequential.

11 Repeal.