

1987 BILL 42

Second Session, 21st Legislature, 36 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 42

MISCELLANEOUS STATUTES AMENDMENT ACT, 1987

THE ATTORNEY GENERAL

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 42

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1987

MISCELLANEOUS STATUTES AMENDMENT ACT, 1987

(Assented to _____, 1987)

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

1 *The Alberta Evidence Act is amended in section 30(1)(c)*

(a) *by striking out “Clerk or Deputy or acting”;*

(b) *by adding “or a person designated by him” after “Council”.*

2 *The Alberta Health Care Insurance Act is amended in section 31(3)(a) by striking out “Federal-Provincial Fiscal Arrangements and Establishment Programs Financing Act, 1977” and substituting “Federal-Provincial Fiscal Arrangements and Federal Post-Secondary Education and Health Contributions Act, 1977”.*

3 *The Alberta Mortgage and Housing Corporation Act is amended in section 29 by striking out “section 9(2)(i)” and substituting “section 7(2)(i)”.*

4 *The Assured Income for the Severely Handicapped Act is amended by repealing section 4(6).*

5 *The Change of Name Act is amended in section 14(3) by striking out “10,”.*

Explanatory Notes

1 This section will amend chapter A-21 of the Revised Statutes of Alberta 1980. Section 30(1)(c) presently reads:

(c) of a copy of or extract from the proclamation, order, regulation or appointment and purporting to be certified to be a true copy by a Minister or head of a department or by the Clerk or Deputy or acting Clerk of the Executive Council or by the head of a department of the Government of Canada or of a provincial or territorial government or by his deputy or acting deputy.

2 This section amends chapter A-24 of the Revised Statutes of Alberta 1980. Section 31(3)(a) presently reads:

31(3) The following shall be paid into the Fund:

(a) money received from the Government of Canada under the Federal-Provincial Fiscal Arrangements and Establishment Programs Financing Act, 1977 (Canada) deemed by the Provincial Treasurer to be contributions to Alberta with respect to health care;

3 This section will amend chapter A-32.5 of the Statutes of Alberta, 1984. Section 29 presently reads in part:

29 The Corporation may exercise any power, perform any duty or fulfil any function that is delegated to it under section 9(2)(i) of the Department of Municipal Affairs Act with respect to the providing of money by way of grants for

4 This section amends chapter A-48 of the Revised Statutes of Alberta 1980. Section 4(6) presently reads:

(6) Notwithstanding subsection (2), a person who receives an allowance or pension under

(a), (b) and (c) repealed RSA 1980 c21(supp.) ss1,2,3,

is not eligible to receive a handicap benefit or modified amount of handicap benefit.

5 This section amends chapter C-4 of the Revised Statutes of Alberta 1980 by striking out a reference to an enactment that has been repealed. Section 14(3) presently reads:

(3) If on an application to change a given name or the surname of a child the consent of some other person is required under section 5, 6, 7, 10, 11

6 *The Child Welfare Act is amended in section 1(3)(a)(ii) by adding “if” before “there”.*

7 *The Engineering, Geological and Geophysical Professions Act is amended in section 92 by striking out “section 3(b)” and substituting “section 2(b)”.*

8 *The Federal-Provincial Farm Assistance Act is amended in sections 2 and 3 by striking out “section 2” and substituting “section 1”.*

9 *The Freehold Mineral Rights Tax Act is amended in section 16 by striking out “and cannot” and substituting “and a tax arrears notification cannot”.*

10 *The Gas Utilities Act is amended in section 52(3) by striking out “3(4),”.*

11 *The Hail and Crop Insurance Act is amended by repealing section 4(5).*

12 *The Highway Traffic Act is amended in section 1(o.1)*

(a) by adding “or” at the end of subclause (iii);

(b) by repealing subclause (iv).

or 12 and the applicant is unable to obtain the consent of the other person, the Court of Queen's Bench, having regard to the best interests of the child, may dispense with the consent of the other person to the change of name.

6 This section will amend chapter C-8.1 of the Statutes of Alberta, 1984. Section 1(3)(a)(ii) presently reads in part:

(3) For the purposes of this Act,

(a) a child is emotionally injured

(ii) there are reasonable and probable grounds to believe that the emotional injury is the result of

7 This section amends chapter E-11.1 of the Statutes of Alberta, 1981. Section 92 presently reads:

92 The Licensing of Trades and Businesses Act is amended in section 3(b) by striking out "Engineering and Related Professions Act" and substituting "Engineering, Geological and Geophysical Professions Act".

8 This section amends chapter F-7 of the Revised Statutes of Alberta 1980. Sections 2 and 3 presently read:

2 An agreement under section 2 is effective on the approval of the Lieutenant Governor in Council and shall be tabled in the Legislative Assembly within 15 days after the commencement of the session of the Legislature next ensuing after the agreement is entered into.

3 If an agreement under section 2 requires the modification or amendment of any existing legislation in force in Alberta, the agreement shall be made subject to validation at the next ensuing session of the Legislature.

9 This section amends chapter F-19.1 of the Statutes of Alberta, 1983. Section 16 presently reads:

16 Notwithstanding any statute, judgment or order, any tax, interest or penalty evidenced by a memorandum of a tax arrears notification on a certificate of title constitutes a charge on a taxable mineral right and cannot be discharged except under section 14(3) or by the vesting of the mineral right in the Crown under section 15.

10 This section amends chapter G-4 of the Revised Statutes of Alberta 1980. Section 52(3) presently reads:

(3) Sections 3(4), 4, 7, 9, 10, 11, 13 and 15 of the Public Utilities Board Act apply to the Gas Utilities Board as if the references to the Board in it were references to the Gas Utilities Board.

11 This section amends chapter H-1 of the Revised Statutes of Alberta 1980. Section 4(5) presently reads:

(5) In the case of members of the corporation who are members of the Legislative Assembly, the acceptance of travelling and living expenses payable under subsection (4) must be authorized by the Lieutenant Governor in Council.

12 This section amends chapter H-7 of the Revised Statutes of Alberta 1980. Section 1(o.1)(iii) and (iv) presently read:

(iii) a special constable,

(iv) a patrol officer of the Department of the Solicitor General, or

13 The Liquor Control Act is amended

(a) in section 95

(i) in subsection (2) by striking out all the words preceding clause (a) and substituting the following:

(2) No licensee or permittee and no employee or agent of a licensee or permittee shall

(ii) in subsection (3) by adding “or employee or agent of a licensee” after “licensee”;

(b) in section 108(1)

(i) by striking out “or a peace officer” wherever it occurs;

(ii) in clause (b) by striking out “or peace officer”;

(c) by renumbering section 140(1) as section 140.

14 The Mines and Minerals Act is amended in section 1.1(2) by striking out “section, quarter-section” and substituting “section, half-section, quarter-section”.

15 The Motor Vehicle Administration Act is amended

(a) in section 1(q)

(i) by adding “or” after subclause (iii);

(ii) by repealing subclause (iv);

(b) in section 14(4) by striking out “69” and substituting “75”;

(c) by repealing section 14(6).

13 This section amends chapter L-17 of the Revised Statutes of Alberta 1980. Sections 95(2) and (3), 108 and 140 presently read in part:

95(2) No licensee (or employee or agent of a licensee) or permittee and no employee or agent of a licensee or employee or agent of a licensee or permittee shall

(3) No licensee shall

(a) allow dancing in the licensed premises, except if authorized under the regulations,

(b) allow any person to play, in the licensed premises, any sport or game, except if authorized under the regulations, or

(c) allow a disorderly or intoxicated person to be in or about the premises.

108(1) A person who is in or has charge of a building or premises referred to in section 114 is guilty of an offence if he

(a) refuses or fails to admit an inspector or a peace officer who demands to enter in the execution of his duty, pursuant to section 114, or

(b) obstructs or attempts to obstruct the entry of an inspector or a peace officer, or any search by the inspector or peace officer pursuant to section 114.

(2) A railway company, express company or common carrier and an officer or employee of that company or common carrier who neglects or refuses to produce and submit for inspection any book, record or document referred to in section 121 when requested to do so by the Board or by a person appointed by it is guilty of an offence.

140(1) The question that may be submitted to a vote in a plebiscite in the case of a local option area described in section 133(1)(c) is:

Are you in favour of the sale of liquor for consumption in appropriately licensed premises?

14 This section amends chapter M-15 of the Revised Statutes of Alberta 1980. Section 1.1(2) presently reads:

(2) For the purposes of this Act, a reference to a township, section, half-section, quarter-section or legal subdivision shall, in respect of land in unsurveyed territory, be deemed to refer to what would be a township, section, quarter-section or legal subdivision if the land were surveyed in accordance with the Surveys Act.

15 This section amends chapter M-22 of the Revised Statutes of Alberta 1980. Section 1(q)(iii) and (iv) and section 14 presently read in part:

(iii) a special constable,

(iv) a patrol officer of the Department of the Solicitor General, or

(4) A person of the age of 69 years or over who applies for an operator's licence or renews an operator's licence shall

(a) file a medical examination certificate in the form provided by the Registrar, completed and signed by a physician, and

(b) submit to a vision screening examination by a driver examiner.

(6) A medical examination certificate filed under subsection (4) must have been completed within 180 days prior to the date of filing.

16 *The Municipal and School Administration Act is amended in section 16(1)(a) by striking out “city of” and substituting “city or”.*

17 *The Municipalities Assessment and Equalization Act is amended in section 13(2) by striking out “vice-chairman” and substituting “chairman”.*

18 *The Nursing Homes Act is amended in section 31(o) by striking out “(m)” and substituting “(n)”.*

19 *The Ombudsman Act is amended in section 24(2) by striking out “Omdudsman shall” and substituting “Ombudsman shall”.*

20 *The Psychology Profession Act is amended by renumbering Part 10 as Part 9.*

21 *The Public Utilities Board Act is amended*

(a) in sections 81(a) and 91(1)(a) by striking out “travel allowance” and substituting “mileage or kilometre rate”;

(b) in section 103(4) by striking out “subsection” and substituting “subsections”.

22 *The Tax Recovery Act is amended in section 7(2) by striking out “after then” and substituting “other than”.*

16 This section amends chapter M-29 of the Revised Statutes of Alberta 1980. Section 16(1)(a) presently reads:

16(1) The council of a city or town may enter into an agreement with the board of the separate school district of the city or town,

(a) for the inclusion of the district in the city of town, or

17 This section amends chapter M-32 of the Revised Statutes of Alberta 1980. Section 13(2) presently reads:

(2) The Lieutenant Governor in Council shall appoint one of the members as vice-chairman who shall be a full time member of the Board.

18 This section amends chapter N-14.1 of the Statutes of Alberta, 1985. Section 31 presently reads in part:

(o) prescribing the basis for the sharing of the costs of the care referred to in clause (m) by the Government and the resident and the basis for including the care in nursing home care.

19 This section amends chapter O-7 of the Revised Statutes of Alberta 1980. Section 24(2) presently reads:

(2) Neither the Ombudsman nor any person holding an office or appointment under the Ombudsman shall be called on to give evidence in any court or in any proceedings of a judicial nature in respect of any thing coming to his knowledge in the exercise of his functions under this Act.

20 This section amends chapter P-25.01 of the Statutes of Alberta, 1985.

21 This section amends chapter P-37 of the Revised Statutes of Alberta 1980. Sections 81(a), 91(1)(a) and 103(4) presently read:

81 The Board, either on its own initiative or on the application of a person having an interest, may by order in writing, which shall be made after giving notice to and hearing the parties interested,

(a) fix just and reasonable individual rates, joint rates, tolls or charges or schedules thereof, as well as commutation, travel allowance and other special rates, which shall be imposed, observed and followed thereafter by the owner of the public utility;

91(1) No owner of a public utility shall

(a) make, impose or extract an unjust or unreasonable or unjustly discriminatory or unduly preferential individual or joint rate, commutation rate, travel allowance or other special rate, toll, fare, charge or schedule for any product or service supplied or rendered by it within Alberta,

103(4) Subject to subsection (5) and (5.1), Part 2 applies, with all necessary modifications, to a public utility within any area to which this section applies and in respect of any public utility of a proprietor municipality as though a by-law had been passed and approved by the Lieutenant Governor in Council under section 102 bringing its public utility under this Act.

22 This section amends chapter T-1 of the Revised Statutes of Alberta 1980. Section 7(2) presently reads:

(2) The prescribed form shall give notice that the parcel may be sold by public auction if the taxes due in respect of it, after then current taxes, are not paid by the following April 1.

23 The Trustee Act is amended in section 14(5)(c) by striking out “but, when only” and substituting “but, except when only”.

24 The Workers’ Compensation Act is amended in section 9(3) by striking out “Disaster Services Act” and substituting “Public Safety Services Act”.

23 This section amends chapter T-10 of the Revised Statutes of Alberta 1980. Section 14(5)(c) presently reads:

(5) When a new trustee is appointed for the whole or any part of trust property,

(c) it is not obligatory that more than one new trustee be appointed when only one trustee was originally appointed or to fill up the original number of trustees when more than 2 trustees were originally appointed, but, when only one trustee was originally appointed, a trustee shall not be discharged under this section from his trust unless there will be at least 2 trustees to perform the trust, and

24 This section will amend chapter W-16 of the Statutes of Alberta, 1981. Section 9(3) presently reads:

(3) For the purposes of subsection (2), "disaster" and "emergency" have the meanings assigned them in the Disaster Services Act.