

1990 BILL 29

Second Session, 22nd Legislature, 39 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 29

**PUBLIC UTILITIES BOARD
AMENDMENT ACT, 1990**

THE MINISTER OF ENERGY

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 29

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1990

PUBLIC UTILITIES BOARD AMENDMENT ACT, 1990

(Assented to _____, 1990)

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2 Section 20 is repealed and the following is substituted:

20(1) All expenditures incurred by the Board shall be charged
against money provided in accordance with this section.

(2) Not less than 1/3 of the estimated expenditures of the Board
shall be provided from money voted by the Legislature for the
purposes of the Board.

(3) The part of the estimated expenditures of the Board that is
not provided from money voted by the Legislature shall be
provided from the assessments and costs imposed by the Board
under sections 20.1 and 60.

20.1(1) In this Division, "assessment" means the amount
imposed as an assessment under this section.

(2) For the purposes of section 20(3) in respect of a year, the
Board by order may impose the payment of an assessment on a
person over whom the Board has jurisdiction under this or any
other Act whether or not during that year the Board exercises its
jurisdiction or the person appears before the Board in any
proceeding.

(3) An order made under subsection (2) may be specific or
general in its application.

Explanatory Notes

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

2 Section 20 presently reads:

20 All expenditures of the Board incurred under this or any other Act shall be paid from money appropriated from the General Revenue Fund by the Legislature.

(4) If an assessment is imposed on a person by the Board, the person shall pay the amount of the assessment to the Board in accordance with the order.

(5) The assessments imposed by the Board in respect of a fiscal year shall be imposed using a method

(a) that will produce a sum sufficient to defray that part of the estimated expenditures of the Board that is not provided from money voted by the Legislature or from costs imposed under section 60, and

(b) that takes into account any interest accrued to the Board and any deficit or surplus in the accounts of the Board at the end of the previous fiscal year.

(6) If the Board determines, otherwise than as a result of an appeal under section 20.4, that an assessment has been made on any person in error or that the amount of an assessment set out in the order is incorrect, the Board may withdraw the order and make a corrected one in its place.

20.2 Sections 36, 52 to 59, 61 to 67, 109 and 110 do not apply to an order made under section 20.1, 20.3 or 20.4.

20.3(1) A person who does not pay an assessment in accordance with the Board order imposing that assessment at the time and in the manner set out in the order shall pay interest at the rate set by the Board on all or any part of the assessment unpaid from the date on which the assessment should have been paid to the date on which it is received in full by the Board.

(2) The Board by order may impose on a person, in addition to any interest payable by the person, a penalty of \$1000 for each day on which all or any part of an assessment imposed on the person is not paid in accordance with the order of the Board.

20.4(1) A person assessed under section 20.1 or who is required to pay interest or a penalty under section 20.3 may appeal to the Board on the grounds and in the manner set out in the regulations made under subsection (2), and a decision of the Board made under the appeal is deemed to be an order of the Board imposing the payment of an assessment, interest or a penalty under section 20.1 or 20.3, as the case may be.

(2) The Board may make regulations respecting appeals under this section.

20.5(1) If an assessment, interest or penalty is imposed and

(a) no appeal is taken under section 20.4 by the person liable to pay the assessment, interest or penalty within the time prescribed by the regulations, or

(b) having been taken, the appeal is not prosecuted with reasonable speed or is later discontinued or abandoned or is dismissed by the Board,

that person is estopped from denying that he is the person liable to pay the assessment, interest or penalty.

20.6 An amount paid by a person as an assessment under section 20.1 is deemed to be a cost to that person for the purposes of Part 2.

20.7 An assessment, interest or penalty imposed under section 20.1 or 20.3 and any costs payable to the Board under section 60 may be recovered by the Board in an action in debt against the person liable to pay them.

20.8(1) The Provincial Treasurer may borrow from time to time on behalf of the Board on the security of the assessments for the time being uncollected, any sums that are required to defray the current expenditures of the Board.

(2) The Lieutenant Governor in Council may authorize the Provincial Treasurer to do either or both of the following:

(a) to guarantee on behalf of the Government the due payment of any money borrowed pursuant to subsection (1), together with the interest on the money borrowed, on any terms and conditions that may be prescribed by the Lieutenant Governor in Council;

(b) to advance to the Board from time to time out of the General Revenue Fund any sums that are considered advisable, on any security, at a rate of interest and on terms and conditions that may be prescribed by the Lieutenant Governor in Council.

(3) The Provincial Treasurer may be a depositor on behalf of the Board in the Consolidated Cash Investment Trust Fund.

3 Section 60 is amended by adding the following after subsection (1):

(1.1) The Board may order that its costs of or incidental to any proceeding before the Board are to be paid and by whom they are to be paid.

3 Section 60 presently reads:

60(1) The costs of and incidental to any proceeding before the Board, except as otherwise provided in this Act, are in the discretion of the Board, and may be fixed in any case at a sum certain or may be taxed.

(2) The Board may order by whom and to whom any costs are to paid, and by whom they are to be taxed and allowed.

(3) The Board may prescribe a scale under which costs are to be taxed.

(4) The Board may, with the approval of the Lieutenant Governor in Council, prescribe the fees to be paid by local authorities or persons interested in the matters that come before the Board.