

2016 Bill 33

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Second Session, 29th Legislature, 65 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 33**

**MISCELLANEOUS STATUTES  
AMENDMENT ACT, 2016 (NO. 2)**

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THE MINISTER OF TRANSPORTATION

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First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

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*Bill 33*

## **BILL 33**

2016

### **MISCELLANEOUS STATUTES AMENDMENT ACT, 2016 (NO. 2)**

*(Assented to , 2016)*

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

#### **Family Law Act**

**Amends SA 2003 cF-4.5**

**1(1) The *Family Law Act* is amended by this section.**

**(2) Section 55.4(3) is amended by adding** “and the requirements set out in subsections (1.1) and (2) have been met” **after** “subsection (1)”.

## Explanatory Notes

### Family Law Act

1(1) Amends chapter F-4.5 of the Statutes of Alberta, 2003.

(2) Section 55.4 presently reads in part:

*55.4(1) A payor or a recipient who does not agree with the recalculated amount may object, within 30 days after receiving notification respecting the recalculated amount, by commencing an application to a court to vary, suspend or terminate the child support order.*

*(1.1) An application under subsection (1) shall*

- (a) state that the person applying does not agree with the recalculated amount, and*
- (b) include a copy of the notification respecting the recalculated amount to which the application relates.*

*(2) At the time an application under subsection (1) is commenced, the person who commenced the application shall notify the recalculation program in writing in accordance with the regulations under this Division.*

## **Hospitals Act**

**Amends RSA 2000 cH-12**

**2(1) The *Hospitals Act* is amended by this Act.**

**(2) The following is added after section 60:**

### **Capital Care Charitable Trust**

**60.1** The Investment Assets consisting of the funds and securities that were contained in account numbers 43020 and 43021 held by T.A.L. Private Management Ltd. are deemed to have been at all times the property and assets of the Edmonton and Rural Auxiliary Hospital and Nursing Home District No. 24 and therefore they were included in the property and assets transferred in accordance with section 4(a) of Order in Council numbered O.C. 272/95 made under section 8 of the *Hospitals Act* (RSA 1980 cH-11) as it read on March 29, 1995.

## **Insurance Act**

**Amends RSA 2000 cI-3**

**3(1) The *Insurance Act* is amended by this section.**

**(2) Section 100(1) is amended by striking out “or approved securities” and substituting “, approved securities or other prescribed assets”.**

*(3) Where an application has been commenced under subsection (1), the operation of section 55.31 is suspended pending the determination of the application and the child support order continues in effect as if the recalculation had not been made.*

### **Hospitals Act**

**2(1)** Amends chapter H-12 of the Revised Statutes of Alberta 2000.

(2) Capital Care Charitable Trust.

### **Insurance Act**

**3(1)** Amends chapter I-3 of the Revised Statutes of Alberta 2000.

(2) Section 100(1) presently reads:

*100(1) In addition to the reserve fund referred to in section 99, every reciprocal insurance exchange must maintain a guarantee fund in cash or approved securities in an amount calculated in accordance with the following formula:*

$$(A - B - C - D) + E$$

*where*

*A is all liabilities associated with the operation of the exchange, including liabilities under reciprocal contracts undertaken by the exchange;*

**(3) Section 556 is amended**

- (a) in Statutory Condition 8(1)(a) by striking out “registered mail” and substituting “recorded mail”;**
- (b) in Statutory Condition 8(4) by striking out “registered letter” and substituting “recorded mail”;**
- (c) in Statutory Condition 9(1) and (2) by striking out “registered mail” and substituting “recorded mail”;**
- (d) in Statutory Condition 9(3) by striking out “registered” wherever it occurs and substituting “recorded”.**

**(4) Section 650(2) is amended**

- (a) by striking out “in a registered letter” and substituting “by recorded mail”;**
- (b) by striking out “of the registration of the letter” and substituting “the mail is recorded”.**

**(5) The following sections are amended by striking out “registered mail” and substituting “recorded mail”:**

*B is any amount that is recoverable from licensed insurers that have reinsured reciprocal contracts referred to in the description of A;*

*C is any amount that is recoverable from unlicensed reinsurers that have, with the prior approval of the Minister, reinsured reciprocal contracts referred to in the description of A;*

*D is all unearned premiums;*

*E is an amount set out in the regulations.*

(3) Section 556 presently reads in part:

*TERMINATION 8(1) The contract may be terminated*

*(a) by the insurer giving to the insured 15 days' notice of termination by registered mail or 5 days' written notice of termination personally delivered, or*

*(4) The 15-day period referred to in subparagraph (1)(a) of this condition starts to run on the day the registered letter or notification of it is delivered to the insured's postal address.*

*NOTICE 9(1) Any written notice to the insurer may be delivered at, or sent by registered mail to, the chief agency or head office of the insurer in the province.*

*(2) Written notice may be given to the insured named in the contract by letter personally delivered to the insured or by registered mail addressed to the insured at the insured's latest postal address as notified to the insurer.*

*(3) In this condition, "registered" means registered in or outside Canada.*

(4) Section 650(2) presently reads:

*(2) If a remittance for or on account of a premium is sent in a registered letter to an insurer and is received by the insurer, the remittance is deemed to have been received at the time of the registration of the letter.*

(5) References to "registered mail" changed to "recorded mail".

section 39(3)(c) and (4);  
section 94(3)(c) and (4);  
section 339(1)(c) and (3)(b);  
section 522(3);  
section 530(3)(b);  
section 540, Statutory Conditions 5(1)(a) and 14(1) and (2);  
section 547(3);  
section 589(1);  
section 617(2);  
section 618(1) and (2);  
section 705, Statutory Conditions 4(1)(a) and 5(1)(a)(i);  
section 714(1)(b);  
section 824(3).

**(6) The following sections are amended by striking out “registered letter” and substituting “recorded mail”:**

section 540, Statutory Condition 5(4);  
section 628(2);  
section 705, Statutory Condition 4(4);  
section 714(6).

### **Notaries and Commissioners Act**

**Amends SA 2013 cN-5.5**

**4(1) The *Notaries and Commissioners Act* is amended by this section.**

**(2) Section 20 is amended by adding “and” at the end of clause (a) and by repealing clause (b).**



- (6) Replaces the term “registered letter” with “recorded mail”.

#### **Notaries and Commissioners Act**

- 4(1)** Amends chapter N-5.5 of the Statutes of Alberta, 2013.

- (2) Section 20 presently reads:

*20 A person may, in accordance with the regulations, apply for an appointment as a commissioner for oaths if the person*

- (a) is 18 years of age or older,*
- (b) is a Canadian citizen or has the status of a permanent resident of Canada, and*
- (c) resides in Alberta or in the part of the City of Lloydminster that is located in Saskatchewan.*

## **Police Act**

**Amends RSA 2000 cP-17**

**5(1) The *Police Act* is amended by this section.**

**(2) Section 60.1(1) is amended by striking out** “The Lieutenant Governor in Council shall, on the recommendation of the Minister, annually authorize the issue of a commission under the Great Seal of the Province” **and substituting** “Each year a commission under the Great Seal of the Province shall be issued”.

## **Public Service Act**

**Amends RSA 2000 cP-42**

**6(1) The *Public Service Act* is amended by this section.**

**(2) The heading “Corporate Human Resources” preceding section 4 is repealed and the following is substituted:**

### **Public Service Commission**

**(3) Section 4 is amended**

- (a) in subsection (1) by striking out** “ “Corporate Human Resources” ” **and substituting** “the “Public Service Commission” ”;
- (b) in subsection (2) by striking out** “Corporate Human Resources” **and substituting** “the Public Service Commission”.

## **Police Act**

**5(1)** Amends chapter P-17 of the Revised Statutes of Alberta 2000.

(2) Section 60.1(1) presently reads:

*60.1(1) The Lieutenant Governor in Council shall, on the recommendation of the Minister, annually authorize the issue of a commission under the Great Seal of the Province to each police officer who, in the year in which the commission is issued, was first appointed to any one of the following ranks:*

- (a) inspector;*
- (b) superintendent;*
- (c) deputy chief of police;*
- (d) chief of police.*

## **Public Service Act**

**6(1)** Amends chapter P-42 of the Revised Statutes of Alberta 2000.

(2) The heading preceding section 4 presently reads:

*Corporate Human Resources*

(3) Section 4 presently reads:

*4(1) There is hereby established within the public service of Alberta an office to be known as "Corporate Human Resources".*

*(2) Subject to this Act, any employees required may be appointed to the staff of Corporate Human Resources.*

**(4) Section 5 is amended**

**(a) by repealing subsection (2) and substituting the following:**

**(2)** The Commissioner is

(a) a Deputy Minister of the Minister responsible for this Act, and

(b) the deputy head of the Public Service Commission.

**(b) in subsection (3)(a) by striking out “Corporate Human Resources” and substituting “the Public Service Commission”.**

**(5) Section 6(2) is amended by striking out “Corporate Human Resources” and substituting “the Public Service Commission”.**

**(6) Section 7 is amended by striking out “Corporate Human Resources” and substituting “the Public Service Commission”.**

**(7) This section comes into force on Proclamation.**

**Public Service Employee  
Relations Act**

**Amends RSA 2000 cP-43**

**7(1) The *Public Service Employee Relations Act* is amended by this section.**

(4) Section 5 presently reads in part:

*(2) The Commissioner is the deputy head of Corporate Human Resources.*

*(3) The Commissioner may*

*(a) delegate any powers, duties or functions conferred or imposed on the Commissioner by this Act or the regulations to an officer of Corporate Human Resources;*

(5) Section 6(2) presently reads:

*(2) The Commissioner shall make an annual report to the Minister on the operations of Corporate Human Resources for the preceding fiscal year that shall be laid before the Legislative Assembly at the next sitting of the Legislature.*

(6) Section 7 presently reads:

*7 The Commissioner and any officers of Corporate Human Resources designated by the Commissioner for the purpose are entitled to access to the records and files of every department for the purpose of examining them and taking extracts from them or making copies of them when the records relate to human resource matters of that department or contain statistical information that is in the Commissioner's opinion required by the Commissioner for the purpose of enabling the Commissioner to carry out the Commissioner's duties under this Act and the regulations.*

(7) Coming into force.

### **Public Service Employee Relations Act**

**7(1)** Amends chapter P-43 of the Revised Statutes of Alberta 2000.

**(2) Section 12(1)(c) is amended by striking out “Corporate Human Resources” and substituting “the Public Service Commission”.**

**(3) This section comes into force on Proclamation.**

### **Vital Statistics Act**

**Amends SA 2007 cV-4.1**

**8(1) The *Vital Statistics Act* is amended by this section.**

**(2) Section 19(5) is repealed.**

**(3) This section comes into force on Proclamation.**

(2) Consequential to the amendments to the Public Service Act.

(3) Coming into force.

### **Vital Statistics Act**

**8(1)** Amends chapter V-4.1 of the Statutes of Alberta, 2007.

(2) Section 19(5) presently reads:

*(5) The first name of a stillborn child may be amended on application to the Registrar, accompanied with the prescribed evidence and the prescribed fee, only if*

*(a) the child's stillbirth was registered without a first name being given to the child, or*

*(b) the first name given to the child was considered unacceptable for registration by the Registrar.*

(3) Coming into force.

### RECORD OF DEBATE

Stage	Date	Member	From	To
		Questions and Comments	From	To
Stage	Date	Member	From	To
		Questions and Comments	From	To
Stage	Date	Member	From	To
		Questions and Comments	From	To
Stage	Date	Member	From	To
		Questions and Comments	From	To