

BILL

No. 43 of 1930.

An Act respecting the Amalgamation of Lloydminster.

(Assented to _____, 1930.)

WHEREAS it is desirable that provision should be made for the central administration of the municipal, school and other local affairs of the Town of Lloydminster in the Province of Saskatchewan (hereinafter called "the town") and the Village of Lloydminster in the Province of Alberta (hereinafter called "the village");

And whereas the effective central administration of an area can only be based upon the identity of the laws applicable to the component parts thereof;

And whereas it is anticipated that an Act in terms similar to those of this Act will be passed by the Legislature of Saskatchewan;

Now, therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. This Act may be cited as "*The Lloydminster Municipal Amalgamation Act, 1930.*"

2. In this Act, unless the context otherwise requires—

- (a) "Approved Act" shall mean an Act or part of an Act, of either of the Provinces, made applicable to a part of the other Province, under the provisions of this Act or *The Lloydminster Municipal Amalgamation Act, 1930*, of Saskatchewan;
- (b) "Approved outlying area" shall mean any part of the Province, joined with the village for the purpose of any municipal, school or other local matter;
- (c) "Complementary Order in Council" shall mean an Order in Council expressed as being complementary to an Order in Council issued under the provisions of *The Lloydminster Municipal Amalgamation Act, 1930*, of Saskatchewan;
- (d) "Composite area" shall mean the town and the village, together (where the context so requires) with any approved outlying area;

3. From and after the appointed day—

- (a) the village, as part of the composite area, shall be governed by a council, to be elected under the provisions of an approved Act for the government of the composite area;
- (b) educational matters relating to public schools in the village shall be governed by a board of trustees, to be elected under the provisions of an approved Act;
- (c) educational matters relating to high schools in the village shall be governed by a board of trustees, to be elected under the provisions of an approved Act;
- (d) any institution, works, construction, improvement or service, with respect to which an agreement might be entered into under the provisions of *The Border Areas Act, 1924*, shall be subject to a governing authority elected or otherwise ascertained under the provisions of an approved Act.

4.—(1) Appointed days shall be fixed by a complementary Order in Council.

(2) An appointed day may be fixed with respect to all or any of the matters mentioned in this Act.

(3) No appointed day shall be fixed until it has been ascertained, either before or after the passing of this Act, in manner and form determined or at any time approved by the Lieutenant Governor in Council, that the majority of the persons deemed by the Lieutenant Governor in Council to be chiefly interested in the matter have assented thereto.

(4) In the case of a municipal district, the assent of the council thereof shall be deemed to be the assent of the people of the district.

(5) A declaration in an Order in Council to the effect that any assent has been given shall be final and incontestible proof thereof.

5. A complementary Order in Council may—

- (a) apply the provisions of any Act of Saskatchewan, or of any part thereof, either with or without modification, to the village or to any approved outlying area;
- (b) declare that any Act of Alberta, or any part thereof, shall cease to operate with respect to the village or to any approved outlying area;
- (c) if any difficulty arises in the application of any Act of Saskatchewan or of any part thereof, or in bringing into operation any of the provisions thereof, make such provision for removing the difficulty as the Lieutenant Governor in Council may judge necessary for that purpose, and in so doing may modify the provisions of any such Act in so far as the village is concerned;

- (d) declare that all or any persons resident in or at any time in the village or any approved outlying area shall for the purposes mentioned in the Order in Council, and for such purposes only, be subject to the same laws and liabilities, and possess the same rights as if they were resident in or were in the town;
- (e) direct that any Act or part thereof, shall be read so far as possible, as if the village and the town or any approved outlying area mentioned in the order formed a town or other separate area or district, subject to the legislative authority of Saskatchewan;
- (f) provide for the holding of elections or the doing of any thing whether required by an approved Act or not, which should in the opinion of the Lieutenant Governor in Council be done prior to an appointed day;
- (g) appoint a commission with authority to redraft any approved Act or Acts in conformity with the provisions of this Act, and any Order in Council issued under the provisions thereof, with the intention that such redrafted Act or Acts shall serve as the charter of the composite area, which conformity shall be conclusively presumed, upon the redrafted Act or Acts being approved by complementary Orders in Council;
- (h) appoint a commission to prepare by-laws to have effect in the village in addition to or in lieu of those previously operative;
- (i) appoint a representative of the village to serve on a commission together with a representative of the town, appointed by an Order in Council of the Lieutenant Governor in Council of Saskatchewan, together with a third person appointed by such previously mentioned persons, or in default of agreement, by a complementary Order in Council, to inquire into the indebtedness of the village and the town, and to fix a rate to be payable by the residents of the village to discharge that portion of such indebtedness which it may seem to the commission to be inequitable to be imposed upon the composite area;
- (j) prescribe procedure to be followed in any matter required or permitted to be done by this Act or any Order in Council made under the provisions thereof, whether other procedure is prescribed by an approved Act or not;
- (k) make rules and regulations calculated to carry out the general intent of this Act, which rules and regulations shall have the same force and effect as if they were set out herein;
- (l) in particular, but without in any way affecting the generality of the powers hereinbefore conferred, change the provisions of any Act—

- (i) to provide for the increase or decrease in the number of members of any body of persons or corporation, so that suitable representation thereon may be accorded to the village or any outlying district;
- (ii) to provide for the imposition and collection of municipal, school or other taxes, not being provincial taxes, in the village or any outlying district, in the same manner and to the same amount as if the village or the district were a part of the town;
- (iii) to provide that magistrates having jurisdiction in the town and the police of such town shall have all such jurisdiction in the village or outlying district as they possess in the town and as is derived from the authority of Saskatchewan;
- (iv) to provide for the substitution of the council of the composite area for the council of the village and conferring and imposing upon such council all the rights and liabilities of the village arising from contract or otherwise;
- (v) to provide for the substitution of any authority mentioned in any approved Act for any jurisdiction which otherwise would have authority in the matter under the legislation of the Province;
- (vi) to give a name to the composite area;
- (vii) to provide for the payment of grants to the council of the composite area which would otherwise be payable to some other local authority;
- (viii) to provide for the transfer of any property vested in the village to the council of the composite area and the appointment of persons to effect such transfer.

6. In the event of there being any conflict between the provisions of this Act or any Order in Council made thereunder and those of any other Act, either direct or arising by implication, the provisions of this Act and any such Order in Council shall prevail.

7. Whenever in any approved Act, it is directed that a report shall be made to the Lieutenant Governor of Saskatchewan or to any Minister of the Government of Saskatchewan, a similar report shall be made to the Lieutenant Governor in Council or a Minister of Alberta.

8. Any Order in Council made under the provisions of this Act may be expressed to have a retroactive operation and thereupon shall have such operation.

9. The council of the composite area shall hold all property or the proceeds thereof, for the component parts thereof, but this provision shall not prevent the council from disposing of or dealing with any property in accordance with the provisions of any approved Act.

10. The Lieutenant Governor in Council shall have power to delegate any of the duties or powers conferred or imposed upon him by this Act to any Minister of the Crown.

11. If any difficulty is occasioned by the village or any approved outlying area falling under the provisions of an approved Act in lieu of the Act previously governing the administration of the village or such area in respect of the matter in question, then the Lieutenant Governor in Council may make any regulations which seem to him necessary or convenient to facilitate the passing from one Act to another, and all such regulations shall have the same effect as if they were set out herein, notwithstanding that they may in some particular or particulars affect the substantive rights of a person or persons.

12. Subject to the provisions of section 13, this Act shall not affect any taxes payable to the Crown nor the collection thereof, nor any other right of the Crown.

13. The council of the composite area shall upon learning the amount of the supplementary revenue tax imposed by the Legislature of Alberta, and the amount of the public revenue tax imposed by the Legislature of Saskatchewan, pay such amounts to the respective Governments and shall strike one general rate over the whole composite area to defray the amount of such payments.

14. Every debenture issued by the council of the composite area shall upon being countersigned by the Minister of Municipal Affairs have the same effect upon the property of the council situate in Alberta, and the rates and taxes payable in respect of property or persons therein as if it were a debenture signed and sealed by the Board of Public Utility Commissioners under the provisions of section 351 of *The Village Act, 1927*, and as if the council of the composite area were the council of a village consisting of the present village of Lloydminster.

No. 43.

FOURTH SESSION
SIXTH LEGISLATURE
20 GEORGE V
1930

BILL

An Act respecting the Amalgamation
of Lloydminster.

Received and read the

First time

Second time.....

Third time.....

HON. MR. LYMBURN

EDMONTON:
W. D. MCLEAN, KING'S PRINTER
A.D. 1930