

BILL

No. 2 of 1938 (Second Session).

An Act to Amend the School Act, 1931.

(Assented to _____, 1938)

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 School Act, 1931, Amendment Act, 1938, Second Session.*"

2. *The School Act, 1931*, being chapter 32 of the Statutes of Alberta, 1931, is hereby amended as to section 205 by striking out the same and by substituting therefor the following:

"**205.** In any case where,—

"(a) the Board of any district or the Board of any school division has wilfully entered into any contract on behalf of the district or school division as the case may be which is not authorized by this Act or whereby the district or division has incurred any liability in excess of the liability which it is authorized to incur by this Act; or

"(b) the Board of any district or of any school division has wilfully appropriated any of the moneys of the district or of the division for purposes other than those which are authorized by this Act;

then and in every such case every member of the Board who has been a party to entering into any such contract or to making any such appropriation shall be liable to pay to the district or division all sums of money for the payment of which the district or division has been made liable to the extent that such liability is not authorized by this Act and any moneys which have been so appropriated as aforesaid, and any action for the recovery thereof may be brought in any Court of competent jurisdiction in the name of the Board by the treasurer or by any person authorized by the Minister to bring the same.

"**205a.** In any case where the Board of any district or the Board of any school division refuses, neglects or fails to perform any duty imposed upon such Board by this Act, then and in every such case each and every member of such Board shall be guilty of an offence, and shall be liable on summary conviction to a penalty of not more than one hundred dollars and costs unless he proves to the satisfaction

of the Court that he actively urged the performance of such duty and that the non-performance of such duty was not due to any act or omission of his, and the burden of any such proof shall be upon the defendant."

3. The said Act is further amended as to section 206 by striking out the words "any trustee" where the same occur therein and by substituting therefor the words "any member of a Board".

4. The said Act is further amended as to section 207,—

(a) by striking out the words "any trustee, officer or employee of a district who after ceasing to hold office detains any money, book, paper or thing belonging to the district", where the same occur in subsection (1), and by substituting therefor the words "any member of a Board or any officer or employee of a district or of a division who after ceasing to hold office detains any money, book, paper, or thing belonging to the district or to the division as the case may be", and

(b) by inserting therein immediately after subsection (1) the following new subsection:

"(1a) Any trustee, officer or employee of a district included in a school division who, while holding office or after ceasing to hold office, detains any money, book, paper or thing belonging to the division by virtue of the provisions of section 248 of this Act, shall thereby incur a penalty not exceeding twenty dollars for each day during which he wrongfully retains possession of such money, book, paper or thing after having received notice in writing from the chairman of the Board of the division or from the Minister requiring him to deposit the same in the hands of some person mentioned in such notice."

(c) by striking out the words "any trustee, officer or employee of a district", where the same occur in subsection (2), and substituting therefor the following words: "Any officer or employee of a district or of a division".

5. The said Act is further amended as to section 231,—

(a) by striking out the words "not less than five subdivisions", where the same occur in subsection (2), and by substituting therefor the words "not less than three nor more than five subdivisions".

(b) by striking out paragraph (c) of subsection (4) and by substituting therefor the following:

"(c) Transfer any school district or any number of school districts included in a division from one

subdivision to another, but in no case shall the number of subdivisions be reduced by reason of such transfers to less than three."

6. The said Act is further amended as to section 242,—

- (a) by striking out subsection (2), and substituting therefor the following:

"(2) In the case of the first members of a divisional Board elected after the constitution of a division, at the organization meeting of the Board the chairman shall place the names of all the members, each written on a separate piece of paper, each piece similar to the other in shape, kind and colour, in a receptacle and shall then draw therefrom at random, one by one in the case of a Board of five members, three of the names therein, and in the case of a Board of less than five members, two of the names therein, and shall cause the names so drawn to be recorded on the minutes, and the three members or the two members, as the case may be, whose names are drawn shall hold office for two years and the remaining members or member shall hold office for one year, and in either case until their successors are elected and take office."

- (b) by adding at the end thereof the following new subsection:

"(3) In the case of the transfer from any subdivision of all the school districts therein to another subdivision or other subdivisions in the same division, such first mentioned subdivision shall cease to be a subdivision of the division, and the person holding the office of divisional trustee for that subdivision shall thereupon cease to be a member of the Divisional Board, and thereafter the Board of the division shall be comprised of the trustees of the remaining subdivisions."

7. The said Act is further amended as to section 249, by striking out the words "offices at a location to be approved by the Minister and", and by substituting therefor the words "offices at a place from time to time designated by the Minister, and at no other place, and to provide".

8. The said Act is further amended as to section 251 by striking out the same and by substituting therefor the following:

"**251.** Subject to the other provisions of this Act the Board of a division may enter into an agreement with the Board of any town, village, consolidated or separate school district for the inclusion of any such school district in the division upon such terms as may be agreed upon, including

provisions fixing, in respect of each municipality included in whole or in part in any such school district, the amount, if any, for which an additional requisition is to be made upon such municipality in excess of the amount for which a requisition is authorized by section 261 of this Act.”

9. The said Act is further amended as to section 253 by adding at the end of subsection (2) thereof the words “and include the same in a subdivision of such school division.”

10. The said Act is further amended as to section 256 by adding at the end thereof the words “and include the same in a subdivision of such school division.”

11. The said Act is further amended by inserting therein immediately after section 259a the following new sections:

“259b.—(1) In case provision is made in any agreement between the Board of a division and the Board of trustees of a school district under section 251 of this Act, fixing an additional amount for which a requisition is to be made upon any municipality included in whole or in part in any such school district, in excess of the amount for which a requisition is authorized by section 261 of this Act, the divisional Board shall first ascertain the sum total of such additional amounts and deduct the same from the total amount of the estimated expenditures of the division for the year, and the remainder shall be the basic amount from which to ascertain the amount of the requisition to be sent to each municipality in the manner mentioned in section 261, and the divisional Board shall make upon each municipality the requisitions for the additional amounts for which provision is made in such agreement at the same time and in the same manner that it makes its requisition on such municipality pursuant to section 261 of this Act.

“(2) Each such municipality shall levy the amount of any additional requisition in the same manner and at the same time as it levies the amount of the regular requisition under section 263 of this Act.

“(3) Each such municipality shall pay to the divisional Board the amount of each such additional requisition in the same manner and at the same time as payments of the regular requisitions are required to be made.

“(4) In this section ‘municipality’ means any city, town, village, municipal district or improvement district.

“259c.—(1) After the expiration of three years from the date of an agreement which has been entered into under the provisions of section 251 of this Act, either party thereto, if dissatisfied with any additional amount fixed by the terms of the agreement, may notify the other party in writing of such dissatisfaction, whereupon the parties may mutually agree upon a new amount to be substituted therefor, and the agreement shall be amended by endorsing thereon or attaching thereto a memorandum signed by both par-

ties to the agreement, giving particulars of any new amount or amounts agreed upon, and the agreement as amended shall be final and binding on the parties as from the first day of January of the following year.

“(2) In case the parties do not agree and the agreement is not amended in the manner mentioned in the previous subsection by the end of the calendar year in which the notice is given, a new amount or new amounts may be fixed and determined by a committee consisting of one member appointed by the Board of the district, one member appointed by the Board of the division and the third member appointed by the Minister, and the new amount or new amounts as fixed and determined by the decision of the said committee or of a majority of its members shall, if fixed and determined on or before the first day of March, be final and binding on the parties to the agreement as at the first day of January of the then current year, but if fixed and determined subsequent to the first day of March and before the end of the calendar year, it shall be final and binding on the parties as at the first day of January of the next ensuing year.

“(3) In case the Board of the district or the Board of the division fails to appoint its member of the committee on or before the first day of February of the year following the year in which the notice of dissatisfaction is given, the Minister shall appoint some person to represent such Board on such committee.

“(4) The parties may alter or vary the agreement as amended from time to time as herein provided, at any time after the expiration of three years from the date of the last amendment and the same procedure as to any further alteration of the agreement by the fixing of a further new amount or amounts shall apply in respect of any subsequent notice of dissatisfaction.”

12. This Act shall come into force on the day upon which it is assented to.

SEVENTH SESSION
EIGHTH LEGISLATURE
2 GEORGE VI
1938
(SECOND SESSION)

BILL

An Act to Amend The School
Act, 1931.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. ABERHART

EDMONTON:
A. Shnitka, King's Printer
1938