

Bill No. 77 of 1939.

A BILL TO AMEND THE PUBLIC UTILITIES ACT,
1923, AND TO CONTINUE IN FORCE CERTAIN
PROVISIONS THEREOF.

NOTE.

Section 2 of this Bill empowers the Board of Public Utility Commissioners to assess persons engaged in the production, processing and distribution of milk who are licensed by the Board as such in any area, in order to raise money required for the payment of the expenses of administration under sections 51a or 51b.

Section 3 prohibits the bringing of actions without the consent of the Board against a local authority which is subject to a refunding order of the Board, so long as that order is in force, for the recovery of any money owing by virtue of such order or in respect of any money accumulated by a local authority for the purpose of paying any liability except money in a sinking fund, and empowers the Board to direct the expenditure of any moneys of a local authority set aside for any particular purpose or any person or class of persons, for the purpose of rehabilitating any utility of the local authority.

A new section 128a provides for the inclusion of land detached from an urban municipality pursuant to an order of the Board in an adjoining improvement district or other municipality.

Section 132 is amended to correct an erroneous reference.

Section 6 of the Bill continues in force the provisions of the Act relating to milk and cream control, until the first day of July, 1940.

R. ANDREW SMITH,
Legislative Counsel.

(This note does not form any part of the Bill and is offered merely as a partial explanation of some of its provisions.)

BILL

No. 77 of 1939.

An Act to Amend The Public Utilities Act, 1923, and to Continue in Force Certain Provisions Thereof.

(Assented to _____, 1939.)

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 Public Utilities Act, 1923, Amendment Act, 1939.*"

2. *The Public Utilities Act, 1923*, being chapter 53 of the Statutes of Alberta, 1923, is hereby amended as to section 51a by adding at the end thereof the following new subsection:

"(12) For the purpose of defraying the expenses incurred or to be incurred in enforcing any orders or regulations made pursuant to this section or to section 51b or in the administration of both or either of those sections in any area prescribed as an area in which any regulations made pursuant to this section shall have effect, the Board is empowered from time to time as the occasion may require to raise a sum or sums sufficient for such purpose by means of an assessment and levy upon persons who are milk producers and persons who market, distribute, process, keep for sale or sell milk in such area and who are licensed as such by the Board in such method and in such amounts as may be fixed by the Board, and every such person shall on demand pay to the Board on behalf of the Crown the amount of the sum so assessed and levied, and the Board may recover any sum so assessed by action brought by the Board in the name of the Crown as a debt due to the Crown; and all sums so levied and collected shall be paid to the Provincial Treasurer and be kept by him in a Special Trust Account and used for the purposes above mentioned."

3. The said Act is further amended by inserting therein immediately after section 105 the following new section:

"105a.—(1) No action shall be brought against any local authority that has come under the supervision of the Board by virtue of any refunding order or orders under the provisions of this part so long as any such order remains in force for the recovery of any moneys due to any person by virtue of the provisions of any refunding or other order made under this part or in respect of any money accumulated by the local authority for the purpose of making provision for the payment of any liability or obligation,

not being money in a sinking fund unless the consent of the Board of Public Utility Commissioners to the bringing of such action shall have been first obtained.

“(2) Where any moneys or securities in the hands of any local authority, or in the hands of any person for and on behalf of such local authority, have been set up or set aside for any particular purpose or for any particular persons or class of persons, whether in pursuance of any order or direction of the Board or independently of the Board, the Board in case it is satisfied that such moneys or securities are necessary to be used by the local authority for the purpose of rehabilitating any utility owned and operated by it, may at its discretion and upon being satisfied that it is in the best interests of such local authority order that such money or any portion thereof be available for use by the local authority, and the Board may attach conditions in regard to the expenditure by the local authority of such money; and upon the making of any such order the money or securities to which it relates shall be freed and discharged from all claims and demands whether legal or equitable of any person other than the local authority.

4. The said Act is further amended by inserting therein immediately after section 128 the following new section:

“**128a.** Whenever the Board makes any order pursuant to section 127 whereby any parcel of land is taken out of an urban municipality, the Board shall provide either by that order or by a separate order that as and from the date upon which such parcel is so taken out, such parcel shall be added to and form part of the lands included within any other municipality or improvement district designated in the order which was immediately before the order becoming effective as to any part of its corporate boundaries contiguous with or adjacent to or co-extensive with any boundary of such parcel or any part thereof; and thereupon the parcel shall be and become part of the land included within the corporate boundaries of the municipality or improvement district so designated for all the purposes of that municipality.”

5. The said Act is further amended as to section 132 by striking out the words and numerals “Part VII hereof”, where the same occur in paragraph (a) of subsection (2) thereof, and by substituting therefor the words and numerals “Part VI hereof”.

6. The provisions of *The Public Utilities Act, 1923, Amendment Act, 1933*, as amended by *The Public Utilities Act, 1923, Amendment Act, 1934*, and *The Public Utilities Act, 1923, Amendment Act, 1935*, shall continue in force from and after the thirtieth day of June, 1939, until the first day of July, 1940.

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

EIGHTH SESSION
EIGHTH LEGISLATURE

3 GEORGE VI

1939

BILL

An Act to Amend The Public Utilities
Act, 1923, and to Continue in
Force Certain Provisions
Thereof.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. MAYNARD.

EDMONTON:
A. Smitka, King's Printer
1939