

Bill No. 107 of 1941.

A BILL TO AMEND THE PUBLIC UTILITIES  
ACT, 1923

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NOTE.

This Bill amends *The Public Utilities Act, 1923*.

The amendments to section 2 widens the definition of "public utility" in so far as it refers to gas and makes it clear that it includes same.

The amendment to section 51*a* deals with milk control and provides that the proportion of the cost of administration borne by the Crown will in future be twenty-five per cent. The provisions for levying its portion of the cost on producers and distributors are amended and provision is made for any surplus after cost of administration being transferred to a reserve trust account and used for the benefit of the trade generally. Provision is also made for the transfer of any present surplus to said reserve trust account.

The amendment to section 63 gives the Board authority to require a public utility to deliver gas to such persons and at such prices as the Board shall direct.

The provisions of subsection (1*a*) of section 103, struck out by section 3 of the Bill, are no longer necessary owing to the provisions being inserted in *The School Act*.

Section 4 of the Bill keeps in force for another year the provisions as to milk control by the Board.

W. S. GRAY,  
*Acting Legislative Counsel.*

*(This note does not form any part of the Bill but is offered in explanation of its provisions.)*

# BILL

No. 107 of 1941.

An Act to amend The Public Utilities Act, 1923.

(Assented to \_\_\_\_\_, 1941.)

**H**IS 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, 1941.*"

**2.** *The Public Utilities Act, 1923*, being chapter 53 of the Statutes of Alberta, 1923, is hereby amended as to section 2 by striking out paragraph (h) thereof and by substituting therefor the following:

"(h) "Public utility" shall mean,—

- "(i) any system, works, plant, equipment or service for the conveyance of telegraph or telephone messages;
- "(ii) any system, works, plant, equipment or service for the conveyance of travellers or goods over a railway, street railway or tramway;
- "(iii) any system, works, plant, equipment or service for the production, transmission, delivery or furnishing of water, heat, light or power, either directly or indirectly to or for the public;
- "(iv) any system, works, plant, equipment or service for the production, gathering, conveying, transmission, transporting, delivery, furnishing or supplying by wholesale or by retail either directly or indirectly to or for the public or any member of the public of gas including gas in its natural state as and when produced from the earth either alone or in association with other petroleum products and including gas both before and after it has been subjected to any treatment or process by absorption or otherwise for the extraction therefrom of natural gasoline and both before and after it has been purified, scrubbed or otherwise treated for the extraction or removal therefrom of sulphuretted hydrogen or other deleterious substance, and whether the gas is delivered,

furnished or supplied to the public or any member of the public either before or after it has been so treated, processed, purified or scrubbed;

- “(v) any system, well, works, plant, equipment or service for the production of gas including gas in its natural state as and when produced from the earth either alone or in association with other petroleum products whenever such gas is not being subjected to any treatment or process by absorption or otherwise for the extraction therefrom of natural gasoline;
- “(vi) any plant, premises, equipment, service or organization for the production, processing, handling, bottling, distribution, supply, delivery, keeping for sale or the sale of milk including products thereof in a liquid form.”

3. The said Act is further amended as to section 51a by striking out subsection (12) thereof and by substituting therefor the following:

“(12) The costs incurred or to be incurred in enforcing any orders or regulations made by the Board pursuant to this section or to section 51b or in the administration of both or either of these sections in any area prescribed as an area in which any of such regulations shall have effect, shall be borne and paid as to twenty-five per centum thereof by the Crown and as to seventy-five per centum thereof by persons who are licensed by the Board as milk or table cream producers in such areas and by persons licensed as aforesaid who market, distribute, process, keep for sale or sell in such areas milk and table cream or either of them in liquid form.

“(13) For the purpose of defraying the portion of such costs required to be paid as aforesaid by persons engaged in the production, marketing, distribution, processing, keeping for sale and selling in such areas milk and cream in liquid form and who are so licensed by the Board and for the purpose of defraying the cost of such other activities as the Board may deem necessary or expedient for the proper conduct of the milk trade in any of such areas as aforesaid and without in any way limiting the generality of the foregoing and including a sum or sums sufficient to cover the cost of general advertising for the milk trade, cost surveys and special investigations, the Board is empowered from time to time as occasion may require to raise a sum or sums sufficient therefor by means of assessment and levy upon said persons in such areas in such manner 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 or sums so assessed and levied and the Board may recover any sum

so assessed and levied 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 shall be kept by him in a special trust account subject to the provisions of the next following subsection and shall be used for the purposes above mentioned.

“(14) The Board shall have power to determine whether any expenditure made from the funds in such account shall be classified as an expense of administration or enforcement as set out in subsection (12) or as an expense for purposes other than enforcement or administration.

“(15) Any moneys raised by the Board by assessment and levy as aforesaid not required for the purpose of administration or enforcement as determined by the Board shall on the 31st day of March in each year be transferred by the Provincial Treasurer to a reserve trust account and such funds, together with accumulated reserves from year to year, may be used for any purpose which the Board may deem necessary or expedient in any matter relative to the proper conduct of the milk trade in any area aforesaid.

“(16) All funds now held by the Provincial Treasurer, whether the same were contributed voluntarily by persons engaged in the milk trade aforesaid or whether raised by assessment and levy under any of the provisions of this Act not required for administration or enforcement as determined by the Board, shall be transferred to the reserve trust account referred to in subsection (15) and may be used for the same purposes as are provided in said subsection with respect to the funds in said reserve trust account.”

4. The said Act is further amended as to section 63,—

- (a) by inserting immediately after the word “Board”, in the first line thereof, the following words: “either upon its own initiative or upon complaint in writing”;
- (b) by striking out all the words in paragraph (a) after the word “proprietor”;
- (c) by adding a new paragraph (e) at the end thereof:
 

“(e) to require every proprietor of a public utility as defined by section 2, paragraph (h), to supply and deliver to such persons and for such purposes and at such rates, prices and charges and upon such terms and conditions as the Board shall from time to time direct, fix or impose, gas including gas in its natural state as and when produced from the earth either alone or in association with other petroleum products and including gas both before and after it has been subjected to any treatment or process by absorption or otherwise for the extraction therefrom of natural gasoline and both before and after it has been purified, scrubbed or

otherwise treated for the extraction or removal therefrom of sulphuretted hydrogen or other deleterious substance."

5. The said Act is further amended as to section 103 by striking out subsection (1a) thereof.

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*, and *The Public Utilities Act, 1923, Amendment Act, 1936*, and *The Public Utilities Act, 1923, Amendment Act, 1937*, and *The Public Utilities Act, 1923, Amendment Act, 1938*, and *The Public Utilities Act, 1923, Amendment Act, 1939*, and *The Public Utilities Act, 1923, Provisions Continuation Act, 1940*, shall continue in force from and after the thirtieth day of June, 1941, until the first day of July, 1942.

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

**FIRST SESSION**  
**NINTH LEGISLATURE**  
**5 GEORGE VI**  
**1941**

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**BILL**

An Act to amend The Public Utilities  
Act, 1923.

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Received and read the

First time.....

Second time.....

Third time.....

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HON. MR. MAYNARD.

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A. Shnitka, King's Printer  
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