

A BILL TO AMEND THE WATER RESOURCES ACT

NOTE

This Bill amends *The Water Resources Act*, being chapter 65 of the Revised Statutes of Alberta, 1942.

A new Part IV is added. It contains new sections 74 to 81, inclusive. Section 74 provides authority for the Minister charged with the administration of this Act to construct, operate, maintain and repair works and undertakings for any project which he considers advisable in the public interest. The authority is subject to the approval of the Lieutenant Governor in Council. It permits the Minister to undertake projects relating to drainage, flood control, river control projects and irrigation projects, and projects relating to water power and water development supply.

Section 75 outlines certain expropriation powers and procedures to be exercised where necessary in obtaining interest in land for a work or undertaking.

Section 76 authorizes contracts which may be required for the construction, operation, repair and control of works and undertakings.

Section 77 provides for tenders with respect to the works and undertakings authorized by section 74, and the cases where tenders need not be accepted from the lowest bidder. In certain cases the work of construction, repair, operation or maintenance may be done by the Department or by order or commission if it can be done more economically or expeditiously.

Section 78 provides for the taking of security when any construction or repair work is contracted for by the Minister.

Section 79 provides for the verification of accounts received in the Department if the Minister so requires.

Section 80 provides that contracts entered into under these sections by the Minister or any duly authorized person enure to the benefit of the Province.

Section 81 enables the Minister, with the approval of the Lieutenant Governor in Council, and a municipality, upon the passing of an approving by-law, to enter into and be bound by an agreement providing works and undertakings of the nature of drainage, irrigation, water power, water supply, river and flood control and water supply development projects. A municipality may expend moneys for the works or undertakings to be constructed under an agree-

ment with the Minister. These works and undertakings need not be within the boundaries of the municipality or municipalities concerned. The moneys may also be expended pursuant to the agreement without referral to the proprietary electors or to the Board of Public Utility Commissioners.

This Bill comes into force upon assent and is retroactive to the 1st day of January, 1953.

J. W. RYAN,
Acting Legislative Counsel.

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

BILL

No. 73 of 1953.

An Act to amend The Water Resources Act.

(Assented to , 1953)

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

1. *The Water Resources Act*, being chapter 65 of the Revised Statutes of Alberta, 1942, is hereby amended.

2. The following new heading and sections are added immediately after section 73:

New sections
74 to 81 in-
clusive

"PART IV

"Construction of Works and Undertakings by the Minister

"74. (1) Where the Minister in his absolute discretion deems it advisable and in the best interest of the Province, with the approval of the Lieutenant Governor in Council, he may construct, operate, maintain and repair works and undertakings within the meaning of this Act.

Construc-
tion of works
and under-
takings

"(2) The powers given by subsection (1) may be exercised for any project which the Minister considers proper, and without limiting the generality of the foregoing, for the purpose of drainage, irrigation, water power, water supply, river control, flood control or ground water supply development projects.

Purpose of
project

"75. (1) The Minister may acquire by purchase or expropriation any land or interest in land required for the construction of works or undertakings to be constructed pursuant to section 74.

Acquisi-
tion of
land

"(2) For the purpose of expropriating any land or interest in land required for the construction of works or undertakings the Minister may proceed in the manner provided in section 72.

Expropriat-
ion

"76. (1) The Minister may enter into a contract with any person or corporation that may be necessary or advisable in the construction, operation, maintenance, repair or control of any works or undertakings constructed or to be constructed under this Part.

Contracts

"(2) No deed, contract or writing shall be deemed to be binding on the Province or held to be the act of the Minister unless signed by the Minister or the Director of Water Resources.

Tenders	<p>"77. (1) Where it appears practical or expedient to do so, the Minister shall invite tenders by public advertisement or by other public notice for the construction, operation, maintenance, repair or control of a work or undertaking.</p> <p>"(2) Where, in the opinion of the Minister, it is not expedient to give the work of construction, operation, maintenance or control of a work or undertaking to the lowest bidder, the Minister shall report the same to and obtain the authority of the Lieutenant Governor in Council prior to rejecting the lowest tender.</p>
Supervision	<p>"(3) The construction, operation, maintenance or repair of a work or undertaking may be undertaken by or under the direction of officers of the Department, or by order or commission if the Minister is of the opinion that from the nature of the work or undertaking it can be more expeditiously and economically executed in that manner, or it is desirable or expedient to do so.</p>
Security	<p>"78. (1) When a work or undertaking is being constructed or repaired by contract the Minister shall, and in other cases the Minister may, require that security be given to Her Majesty for the due performance of the construction or repair within the amount and time specified for its completion.</p> <p>"(2) No sum of money shall be paid to the contractor nor shall any construction or repair be commenced on any contract until</p> <p>"(a) the contract has been signed by all the parties named therein, and</p> <p>"(b) the required security, if any, has been given.</p>
Verification of account	<p>"79. The Minister may require any account that is received in the Department from a person employed by the Department or by a party to a contract with the Department to be verified by oath, affirmation or statutory declaration.</p>
Enforcement of contract	<p>"80. A contract relating to the construction, operation, maintenance, repair or control of a work or undertaking, or to real or personal property under the control of the Minister, that has been entered into by the Minister or by any other duly authorized person, shall enure to the benefit of the Province and may be enforced as if it had been entered into with the Province under authority of this Part.</p>
By-law approving agreement	<p>"81. (1) Notwithstanding any other Act, the Minister, with the approval of the Lieutenant Governor in Council, and any one or more cities, towns, villages, municipal districts or counties, upon the passing of a by-law approving the terms, may enter into an agreement providing for works or undertakings in the nature of</p> <p>"(a) a drainage and irrigation project,</p> <p>"(b) a water power project,</p> <p>"(c) a water supply project,</p>

"(d) a river and flood control project,
 "(e) a water supply development project,
 within or without the city, town, village, municipal district or county.

"(2) An agreement entered into pursuant to subsection (1) shall

"(a) fix the total cost of construction,

"(b) fix the period of construction,

"(c) fix the proportion of the cost to be provided by the Province and by each city, town, village, municipal district or county, respectively,

"(d) fix the terms upon which and the time or times when payments are to be made by the Province for the construction, operation, maintenance or repair of the works or undertakings.

"(3) The Minister may carry out the terms of any agreement made pursuant to subsections (1) and (2).

"(4) A city, town, village, municipal district or county may carry out the terms of an agreement made pursuant to subsections (1) and (2) and may expend money under the agreement without the necessity of receiving the assent thereto of the proprietary electors, or of the Board of Public Utility Commissioners.

"(5) The Minister may purchase or expropriate any land or interest in land required for the construction of a work or undertaking to be constructed pursuant to an agreement made pursuant to subsections (1) and (2), and for the purpose of expropriating any land or interest in land so required may proceed in the manner provided in section 72."

3. This Act comes into force on the day upon which it is assented to and upon so coming into force shall be deemed to have been in force at all times on and after the first day of January, 1953. Coming into force

No. 73.

FIRST SESSION
TWELFTH LEGISLATURE
2 ELIZABETH II
1953

BILL

An Act to amend The Water
Resources Act.

Received and read the

First time

Second time

Third time

HON. MR. URE
