

No. 23

1st Session, 14th Legislature, Alberta
8 Elizabeth II

BILL 23

A Bill to amend The Water Resources Act

HON. MR. HALMRAST

Explanatory Note

2. Sections 84a to 84i, added by 1956, chapter 61, section 9, set out an expropriation procedure for licensees under this Act. This does not become apparent until one reaches section 84d. For clarification subsection (1) of section 84b is amended to indicate clearly that the provision has application only to the expropriation power. Section 84b.(1) reads:

"84b. (1) Where a licensee desires or proposes to acquire any lands or any interest therein for a right of way or for a site for the purposes of his undertaking, he shall first make application to the Minister for approval of the intended route of the right of way or intended site, as the case may be."

3. Section 93 authorizes agreements with municipalities for undertakings and works in the nature of drainage, irrigation, waterpower, water supply, river control and flood control projects. The municipalities include cities, towns, villages, municipal districts and counties, but not improvement districts. Improvement districts are being added to the list of local authorities with whom the Minister of Agriculture may enter agreements for these projects.

4. The Royal Commission on Bow River Flooding recommended that appropriate legislation be passed

"(1) to prevent settlement or building on areas which, in the opinion of authority, are subject to serious danger from flooding,

(2) to cause to have buildings removed from critical flood areas where reasonable protection cannot be provided."

The new section 94 is designed to implement the recommendation.

BILL

No. 23 of 1960

An Act to amend The Water Resources Act

(Assented to _____, 1960)

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 362 of the Revised Statutes, is hereby amended.

2. Section 84*b*, subsection (1), is amended by adding immediately after the word "acquire" the words "by expropriation".

3. Section 93 is amended

(a) as to subsection (1)

(i) by adding after the words "municipal districts" the words ", improvement districts",

(ii) by adding after the words "municipal district" the words ", improvement district",

(b) as to subsection (2), clause (c) by adding after the words "municipal district" the words ", improvement district",

(c) as to subsection (4) by adding after the words "municipal district" the words ", improvement district".

4. The following section is added immediately after section 93:

94. (1) The Lieutenant Governor in Council may by regulations designate as flood control areas any areas of the Province considered to be areas in serious danger from flooding, and thereafter the powers given in this section may be exercised in respect of those flood control areas.

(2) The Minister may, by purchase or expropriation, acquire lands within a flood control area for any project that he considers will lessen the danger from floods or for the purpose of preventing the lands being used for any purpose while the danger from flooding exists.

(3) Instead of acquiring land within a flood control area the Minister may by order,

(a) prohibit or regulate any activity upon or use of land within the flood control area or prohibit any

specific settlement or construction thereupon, if in his opinion the flood danger is a serious hazard to life or property, and

- (b) may order the removal from any specified lands within the flood control area of such structures as he considers necessary, if reasonable protection from flood damage cannot, in his opinions, be provided for the structures or the contents thereof.

(4) A regulation under subsection (1) and an order under clause (a) of subsection (3) shall be registered and published as required by *The Regulations Act*.

(5) Where the Minister orders the removal of a structure from any land within a flood control area, the Minister may authorize or cause the structure

- (a) to be delivered and affixed to any land designated by the owner of the structure,
- (b) to be dismantled and delivered to a place designated by the owner, or
- (c) to be destroyed,

as the Minister considers to be the most satisfactory method of removing the structure from its site in the flood control area.

(6) Subject to subsection (7) an owner of land expropriated pursuant to this section or in respect of which an order has been made under subsection (3) is entitled to compensation for any loss thereby resulting to the owner, and the compensation shall be determined in the same manner as compensation is determined upon an expropriation of land under section 87

(7) If an owner of land contravenes an order of the Minister under this section in respect of the use of land or fails to remove a structure within the time limited by an order under this section or as directed by such an order, the owner is not thereafter entitled to compensation for any loss occasioned him as a result of the order or the removal of the structure and the Minister may cause the removal of any structure built in contravention of his order or that remains on the land in contravention of an order.

(8) A person who

- (a) obstructs the carrying out of an order under clause (b) of subsection (3) or under subsection (6), or
- (b) contravenes a regulation made under clause (a) of subsection (3),

is guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars and in default of payment thereof to imprisonment for a term not exceeding thirty days.

5. This Act comes into force on the day upon which it is assented to.

No. 23

FIRST SESSION

FOURTEENTH LEGISLATURE

8 ELIZABETH II

1960

BILL

An Act to amend The Water
Resources Act

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. HALMRAST
