

1969 Bill 118

Second Session, 16th Legislature, 18 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 118

An Act respecting the Irrigation Land Manager

THE MINISTER OF AGRICULTURE

First Reading

Second Reading

Third Reading

Printed by L. S. Wall, Queen's Printer, Edmonton

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1969

An Act respecting the Irrigation Land Manager

(Assented to _____, 1969)

HER 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 Irrigation Land Manager Act*.

2. (1) In this Act,

- (a) "district" or "irrigation district" means the St. Mary River Irrigation District or the Bow River Irrigation District, as the case requires;
- (b) "farming necessities" means anything necessary or proper for the purpose of working a farm and such things as are declared to be farming necessities by the Lieutenant Governor in Council;
- (c) "former Act" means *The St. Mary and Milk Rivers Development Act, 1950* or *The Bow River Development Act*, as the case requires;
- (d) "former land manager" means the St. Mary and Milk Rivers Development land manager or the Bow River Development land manager, as the case requires;
- (e) "Land Manager" means the Irrigation Land Manager;
- (f) "Minister" means the Minister of Agriculture;
- (g) "water right payment" means, with reference to a parcel in a district, an amount determined by multiplying the number of acres in the parcel that were, under the former Act, classified as irrigated or to be irrigated as of May 1, 1968, by the sum of \$10.

(2) A term or expression not defined in subsection (1) but defined in *The Irrigation Act, 1968* has the same meaning in this Act but the expression "district" or "irrigation district" in any term or expression so defined shall be read as referring to the St. Mary River Irrigation District or the Bow River Irrigation District, as the case requires.

Explanatory Notes

This Bill will repeal and replace Part II of The St. Mary and Milk Rivers Development Act, 1950 and The Bow River Development Act. The functions of the St. Mary and Milk Rivers Development land manager and the Bow River Development land manager will be assumed by the "Irrigation Land Manager". The two Acts being repealed were very similar and almost all of the provisions of this Bill are derived from those Acts.

2. Definitions

3. (1) The Lieutenant Governor in Council may appoint a person to be known as the Irrigation Land Manager.

(2) The person for the time being holding the office of Irrigation Land Manager shall be by that name a corporation sole.

(3) The Lieutenant Governor in Council may appoint an acting Land Manager who shall, subject to any special directions of the Land Manager, be the acting Land Manager in the event of the Land Manager's absence or a vacancy in the office of the Land Manager and who has the power and duties of the Land Manager when so acting.

(4) The head office of the Land Manager shall be situated at Lethbridge.

4. The Minister may appoint an Advisory Committee to advise the Land Manager and may prescribe the remuneration to be paid to its members.

5. The Land Manager may engage the services of experts and persons engaged in the practice of a profession and fix the remuneration of all such persons.

6. (1) The Land Manager may

- (a) acquire and hold any estate or interest in land, and
- (b) do all other things necessary or expedient to be done in the execution of the duties of his office.

(2) All property owned by the Land Manager is held in trust for the Crown in right of Alberta.

(3) The Land Manager may

- (a) sell, agree to sell, lease or otherwise deal with any real property acquired by him on the terms and conditions, if any, prescribed by the Lieutenant Governor in Council,
- (b) consent to such changes in the terms and conditions of any agreement or instrument entered into under clause (a) as the Lieutenant Governor in Council may authorize from time to time,
- (c) enforce or cancel any such agreement or instrument by proceedings at law or otherwise, and
- (d) assign or transfer any such agreement or instrument.

7. (1) In this section, "prospective owner" means a person to whom the Land Manager has agreed to sell land under an agreement in writing.

3. Appointment of Land Manager.

4. Advisory Committee.

5. Engagement of experts.

6. Powers of Land Manager re property.

7. Sales or loans to persons purchasing land from the Land Manager.

(2) The Land Manager may

(a) sell to any prospective owner, or

(b) make loans to any prospective owner for the purchase of

buildings, building material, livestock or farming necessities.

(3) An agreement or loan under this section shall be in the form prescribed by the Lieutenant Governor in Council.

(4) No money shall be expended for or loaned to any one prospective owner for any of the purposes set out in this section in excess of the aggregate sum of \$10,000.

8. (1) The Land Manager shall prepare and keep in his office a ledger which shall be called the Water Right Payment Ledger in which he shall set out the following information applicable to each parcel in respect of which a water right payment has not heretofore been paid in full:

(a) the name of the owner and, if any, the name of the purchaser of the parcel and his or their post office address, if known, indicating after each name whether the same is that of an owner or purchaser;

(b) a short description of the parcel of land;

(c) the amount imposed for the water right payment with respect thereto;

(d) the amount paid and remaining unpaid from time to time for the water right payment, including interest thereon.

(2) Subject to subsection (4), a water right payment shall be deemed to have been validly imposed upon each parcel in a district effective as of the date of the order of the Minister charged with the administration of the former Act declaring and ordering the date on or before which the first instalment of the water right payment is to be due and payable for that parcel, together with interest thereon at the rate of $3\frac{1}{2}$ per cent per annum on any portion of the water right payment from time to time remaining unpaid.

(3) A water right payment shall be deemed to be and to have been payable in 10 equal annual instalments due and payable on or before the 30th day of November in each year together with interest accruing to such date, the first instalment being due and payable on or before the date specified in the order of the Minister referred to in subsection (2).

(4) Any amount paid on account of the water right payment before the commencement of this Act to

8. Water right payments under former Acts.

- (a) a former land manager, or
 - (b) the manager of the St. Mary and Milk Rivers Development, or
 - (c) the manager of the Bow River Development,
- shall be credited to the water right payment.

9. (1) Any water right payment and any interest thereon which has become due may be recovered by action as a debt due to the Land Manager from the owner or purchaser of any land upon which the water right payment has been imposed.

(2) Subsection (1) does not operate to abrogate or prejudice any person making a payment on account of any water right payment of his right of recourse against any other person.

(3) The production of a copy or so much of the Water Right Payment Ledger as relates to the water right payment payable and purporting to be certified as a true copy by the Land Manager is *prima facie* proof of the debt.

10. The provisions of *The Irrigation Act, 1968* relating to recovery of rates by way of enforcement return apply *mutatis mutandis* to the recovery of overdue water right payments or instalments thereof and interest thereon and for that purpose

- (a) the Land Manager has the same powers and duties as a manager and a board under *The Irrigation Act, 1968*,
- (b) any action taken or proceedings initiated or carried on by a former land manager for the recovery thereof shall be deemed to have been validly taken, initiated and carried on by the Land Manager pursuant to this Act as if this Act had been in effect from the time such action or proceedings had been initiated, and
- (c) the enforcement return and adjudication shall refer only to lands with respect to which there are overdue water right payments or instalments thereof.

11. (1) All books and records pertaining to the work carried on by the Land Manager shall be at all times subject to examination and audit by the Provincial Auditor or by such other person as the Lieutenant Governor in Council may authorize in that behalf.

(2) The fiscal year of the Land Manager shall be the calendar year, unless the Minister otherwise directs.

9. Water right payments recoverable as a debt.

10. Recovery of water right payments by rate enforcement proceedings.

11. Audit and fiscal year.

12. The Land Manager shall submit to the Minister annually

- (a) a general report summarizing his transactions and affairs in connection with the administration of this Act during the preceding fiscal year, and
- (b) an audited balance sheet of his financial transactions during the preceding fiscal year.

13. The Land Manager is not personally liable to be sued in any action or proceeding for any act done by him in the execution or purported execution of his duties as Land Manager.

14. (1) Except as otherwise provided in this Act, the Land Manager may prescribe the forms to be used for the purposes of this Act.

(2) The Lieutenant Governor in Council may make such regulations as he considers proper for carrying out the provisions of this Act.

15. Upon the commencement of this Act

- (a) the rights, property, obligations and liabilities of the former land managers become the rights, property, obligations and liabilities respectively of the Land Manager,
- (b) the person holding the office of the St. Mary and Milk Rivers Development land manager immediately before the commencement of this Act becomes the Land Manager,
- (c) the Land Manager is the successor for all purposes of the former land managers,
- (d) any reference whatever to either of the former land managers shall be deemed to be a reference to the Land Manager, and
- (e) the water right payment ledgers under the former Acts become the Water Right Payment Ledger under this Act.

16. The following are repealed:

- (a) *The St. Mary and Milk Rivers Development Act, 1950*, being chapter 68 of the Statutes of Alberta, 1950;
- (b) *The Bow River Development Act*, being chapter 48 of the Statutes of Alberta, 1955.

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

12. Land Manager's annual report to Minister.

13. Land Manager not personally liable.

14. Forms.

15. Transitional.

16. Repeal of former Acts.