

1984 BILL 67

Second Session, 20th Legislature, 33 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 67

WATER RESOURCES AMENDMENT ACT, 1984

MR. KROEGER

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 67
Mr. Kroeger

BILL 67

1984

WATER RESOURCES AMENDMENT ACT, 1984

(Assented to _____, 1984)

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

- 1 *The Water Resources Act is amended by this Act.*
- 2 *Section 1(k) is repealed.*

- 3 *Section 59 is amended*
 - (a) *by striking out “\$20” and substituting “\$1000”;*
 - (b) *by striking out “2 months” and substituting “3 months”.*

- 4 *Section 60 is amended*
 - (a) *by striking out “\$500” and substituting “\$1000”;*
 - (b) *by striking out “2 months” and substituting “3 months”.*

- 5 *Section 61 is amended*
 - (a) *in subsection (1)*
 - (i) *by striking out “\$20” and substituting “\$1000”;*
 - (ii) *by striking out “2 months” and substituting “3 months”;*
 - (b) *in subsection (2) by striking out “\$100” and substituting “\$1000”.*

Explanatory Notes

1 This Bill will amend chapter W-5 of the Revised Statutes of Alberta 1980.

2 Section 1 presently reads in part:

1 In this Act,

(k) "industrial purposes" means the operation of railways, factories, stores or warehouses but does not include the sale or barter of water for any of those purposes;

3 Section 59 presently reads:

59 A person who wilfully obstructs an inspector in the execution of his duty is guilty of an offence and liable to a fine not exceeding \$20 or to imprisonment for a term not exceeding 2 months, or to both fine and imprisonment.

4 Section 60 presently reads:

60 A person who refuses or neglects to obey or carry out any order given to him by, or by authority of, the Minister under the authority of this Act is guilty of an offence and liable to a fine not exceeding \$500 for each offence or to imprisonment for a term of not more than 2 months, or to both fine and imprisonment.

5 Section 61 presently reads:

61(1) A person who interrupts, molests or hinders in his work an engineer or Alberta land surveyor engaged in making surveys or taking levels, or in other operations in connection with any work authorized under this Act, is guilty of an offence and liable to a fine not exceeding \$20 or to imprisonment for a term not exceeding 2 months, or to both fine and imprisonment.

(2) A person who knowingly and wilfully defaces, alters or removes any mark, survey monument, bench mark or water gauge placed by an engineer or Alberta land surveyor engaged in making surveys or levels, or in other operations in connection with any work authorized by this Act, is guilty of an offence and liable to a fine not exceeding \$100 or to imprisonment for a term not exceeding 3 months, or to both fine and imprisonment.

6 Section 62 is amended

(a) in clause (a)

(i) by striking out “a natural person” and substituting “an individual”;

(ii) by striking out “\$1000” and substituting “\$2000”;

(b) in clause (b) by striking out “\$5000” and substituting “\$10 000”.

7 Section 63 is amended by striking out “2 months” and substituting “3 months”.

8 Section 72 is amended

(a) in clause (a) by striking out “prescribing” and substituting “governing application procedures and”;

(b) in clause (c) by striking out “fixing” and substituting “respecting”;

(c) in clause (c.1) by striking out “rivers, streams, lakes or other waters” and substituting “various sources of water”;

(d) in clauses (e.1) and (f) by striking out “prescribing” and substituting “respecting”;

(e) in clause (h) by

(i) striking out “for the storage” and substituting “respecting diversion, storage”;

(ii) striking out “for power purposes”;

(f) in clause (p) by striking out “for fixing” and substituting “respecting”;

(g) by repealing clauses (r) and (t);

(h) in clause (u) by adding “plans and” before “returns”;

(i) by adding the following after clause (u):

(u.1) respecting the filing of copies of agreements relating to a licence including, but not restricted to, water supply agreements, land agreements and right of way agreements;

(j) by repealing clause (x).

6 Section 62 presently reads:

62 A person who commits an offence under this Act or the regulations for which no penalty is expressly provided is guilty of an offence and liable

(a) in the case of a natural person, to a fine of not more than \$1000, and in default of payment to a term of imprisonment not exceeding 6 months, or

(b) in the case of a corporation, to a fine of not more than \$5000.

7 Section 63 presently reads:

63 A licensee under obligation to supply water conveyed by his works who discriminates between the users of the water regarding its price, or who in case of a deficiency in the whole amount agreed to be supplied, discriminates between the users of the water regarding the proportionate quantity to be furnished to each user, is guilty of an offence and liable to a fine not exceeding \$1000 or to imprisonment for a term not exceeding 2 months, or to both fine and imprisonment.

8 Section 72 presently reads in part:

72 The Lieutenant Governor in Council may make regulations

(a) prescribing the particulars to be set out in applications and plans filed by applicants;

(c) fixing the fees or charges to be paid in respect of any application and for licences issued under this Act;

(c.1) governing the extent of diversion from rivers, streams, lakes or other waters;

(e.1) prescribing the form, terms and conditions of the contracts and agreements to be used by a licensee for the disposition of any water that he is entitled to divert;

(f) prescribing the forms to be used in proceedings under this Act;

(h) for the storage, pondage, regulation, carriage or utilization of any water for power purposes and for the protection of any source of the water supply and for the regulation and control, in the interests of all water users, of the flow of water that from time to time passes through, by or over any works;

(p) for fixing the rentals, royalties, fees, dues or charges to be paid for the diversion, use or storage of water, for the use or occupancy of land or for any other privileges granted pursuant to this Act, including charges for any additional flowage created by storage or regulation works constructed by or at the instance of the Crown;

(r) governing and controlling

(i) the stock and bond issues of persons establishing or conducting undertakings,

(ii) the service given to the public by licensees engaged in supplying electric power and energy, and

(iii) the rates or charges for the service referred to in subclause (ii),

and appointing or designating the Board to regulate and control those stock and bond issues, that service and those rates and charges, and

9 Section 78 is amended

(a) by repealing subsection (1);

(b) in subsection (2) by striking out “Subject to subsection (1), this” and substituting “This”.

10 Section 93(2) is amended by striking out “Division” and substituting “Management Services of the Department of the Environment”.

*In accordance with section 4(1) of the Interpretation Act,
this Bill comes into force on the date it receives Royal
Assent.*

for appointing a person to act with any existing authority constituted for the purposes of regulating and controlling those matters or any of them;

(t) imposing penalties for contraventions of any of the regulations, which penalties shall in no case exceed a fine of \$200 or 3 months' imprisonment, or both;

(u) requiring licensees or any class thereof to submit returns to the Minister at the times prescribed in the regulations;

(x) governing the registration of wells under section 94;

9 Section 78 presently reads:

78(1) Sections 26 to 30 and 32 to 56 do not apply to water-power undertakings or to licences in respect of water-power undertakings.

(2) Subject to subsection (1), this Act shall be so construed that if any repugnancy or conflict arises between any of the provisions of Part 1 and any of the provisions of Part 2, then the provisions of Part 1 prevail.

10 Section 93(2) presently reads:

(2) The Provincial Treasurer on the requisition of the Minister may make advances from the General Revenue Fund to the revolving fund of any sums the Minister may require to pay for machinery, equipment, services, stock or material required by the Water Resources Division.