

1991 BILL 212

Third Session, 22nd Legislature, 40 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 212

AN ACT TO AMEND THE WATER
RESOURCES ACT

MR. PASZKOWSKI

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 212
Mr. Paszkowski

BILL 212

1991

AN ACT TO AMEND THE WATER RESOURCES ACT

(Assented to , 1991)

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 is amended and the following is added:

(a) after clause (a):

(a.1) "aquifer" means a geologic formation, group of
formation or part of a formation from which ground water
may be obtained;

(b) after clause (c):

(c.1) "council" or "water resource management council"
means the Water Resources Management Council
appointed under this Act;

(c) after clause (e):

(e.1) "district" or "water resource management council"
means a district formed under this Act;

(d) after clause (o):

(o.1) "local board" means a board of directors of a water
resource district under this Act.

3 The following is added after Part 3:

Explanatory Notes

- 1 This bill will amend Chapter W-5 of the Revised Statutes of Alberta.
- 2 The amendment is intended to establish a system of provincial water management districts under the administration of the Minister responsible with allowance for significant input from local and regional authorities and interests and responsible thereby to local and regional conditions and concerns.

PART 3.1

PROVINCIAL WATER MANAGEMENT DISTRICTS

82.1 In this Part Local Authority means,

- (a) a city, town, village, municipal district or county;
- (b) in the case of an improvement district or special area, the Minister of Municipal Affairs;
- (c) the board of administrators of a new town;
- (d) the board of an Irrigation District established under the Irrigation Act of Alberta;
- (e) the Tribal Government of any Native Lands established as such and including designated lands as defined in the Indian Act (Canada) or other statute and which has borders contiguous to any established water resource management district;
- (f) a Metis settlement defined as such under the *Metis Settlements Act*.

82.2(1) The Lieutenant Governor in Council may by order, notice of which shall be published in The Alberta Gazette, and upon the recommendation of the Water Resource Management Council, constitute any portion of Alberta as a water resource management district.

WATER RESOURCE MANAGEMENT COUNCIL

82.3(1) There shall be a Water Resource Management Council consisting of not less than 7 members appointed by the Lieutenant Governor in Council and who hold office during pleasure.

(2) The membership of the Council shall in all cases include

- (a) not less than two appointed from a list of candidates provided by the local authorities;
- (b) one representative from the board of directors of each water resource management district constituted under section 82.2(1).

- (3) The Lieutenant Governor in Council may
 - (a) designate one of the members of the Council as chairman and another as vice-chairman, and
 - (b) fix the remuneration to be paid to the members who are not employees of the government.
- (4) A majority of the members of the Council constitute a quorum of the Council for purpose of exercising its powers and performing its duties.
- (5) If the chairman is absent from a meeting, the vice-chairman shall act as chairman of the meeting.
- (6) An order, direction, approval or other instrument that the Council is permitted or required to make may be made on its behalf by the chairman, vice-chairman or any other member of the Council.
- (7) An order, direction, approval or other instrument purporting to be signed by the chairman, vice-chairman or a member of the Council on behalf of the Council shall be admitted in evidence as prima fascia proof:
 - (a) that the order, direction, approval or instrument is the act of the Council or a quorum thereof, and
 - (b) that the person signing it was organized to do so, without proof, of the appointment of the person signing as a member of the Council, or his designation as chairman or vice-chairman, as the case may be, or his signature.

82.4(1) The Council shall, in cooperation with local authorities, licensees and such other bodies, associations and organizations as the Council may in its discretion recognize, identify probable water resource management districts and to make recommendations to the Lieutenant Governor in Council prior to the constitution of a Water Resource Management District under section 82.2

- (2) Probable water resource management districts may be proposed for identification by the Council on its own motion or at the request of other Provincial agencies, local authorities, or such other bodies, associations and organizations as the Council may in its discretion recognize.
- (3) Criteria for the identification of probable water resource management districts by the Council shall include, but are not

limited to:

- (a) geographic areas where water quality is threatened;
 - (b) aquifers that are declining due to restricted recharge or over-utilization;
 - (c) prior identification of a probable water resource management district as an Irrigation District under the Irrigation Act of Alberta;
 - (d) the existence of district bodies of public water, watersheds and drainage systems whether natural or manmade or combination of natural and manmade and whether such distinct bodies of public water, watersheds and drainage systems are found above, below or both above and below the surface of the ground and taking into account hydrogeologic properties such as limits to lateral extent of aquifers, major perennial rivers, regional ground and surface water divides or other hydrogeologic property as deemed appropriate by the Council to meet effectively accomplish the purposes of this Part.
- (4) A request made by Provincial agencies, local authorities, or such other bodies, associations or organizations as the Council may recognize under subsection (2) shall be submitted to the Water Resource Management Secretariat in the form of a written report and shall consider, without being limited to, the criteria prescribed in subsection (3) and shall also contain
- (a) supporting data as to the need for such identification;
 - (b) a description of proposed water resource management district boundary with reasons for the boundary so proposed;
 - (c) a statement of goals and objectives for the proposed water resource management district;
 - (d) estimates as to the cost of developing a water resource management program for the district;
 - (e) recommendations for consultation and coordination with other groups, agencies whether public or private and having interests within or adjacent to the proposed water resource district boundary;
 - (f) a summary of submissions and representations made at a public meeting which the requesting party or parties

shall hold for purposes of receiving comments from the public prior to the submission of their request to the Secretariat.

82.5(1) The Water Resources Management Council may make by-laws regulating its proceedings and generally for the conduct and management of the business and affairs of the Council except as is prescribed in this Act.

(2) The Regulations Act does not apply to the by-laws of the Council.

BOARD OF DIRECTORS

82.6(1) Each Water Resource Management District constituted under this Part shall have a Board of Directors which shall be a corporation under the name of "The Board of Directors of the (naming the district) Water Resource Management District."

(2) The Board of Directors shall be responsible for the operation, maintenance and administration of the water resource management works of the district.

(3) The Council shall appoint the first board of directors of a district formed under this Part and designate one of them as chairman and another as vice-chairman and may prescribe the term of office of any director appointed by it.

(4) The first board of directors shall make by-laws for the corporation regulating its proceedings and generally for the conduct and management of the business and affairs of the Corporation except as is prescribed in this Act.

82.7(1) The Council may

(a) advise each local board on the conduct of the affairs of its district;

(b) prohibit a course of conduct proposed to be done or entered into by the local board, and

(c) order a local board to repeal or amend any by-law or to reverse or modify any action previously taken.

(2) The Council has, in addition to the powers and duties conferred and imposed on it by this or any other Act, the powers and duties conferred or imposed on it by the

Lieutenant Governor in Council.

(3) The Council is entitled to have access to all records, books, documents and accounts of each local board, and may require a local board to supply it with any information relevant to its business and affairs or any information with respect to anything done or proposed to be done by the local board.

WATER RESOURCE MANAGEMENT SECRETARIAT

82.8(1) Subject to subsection (2) there shall be a Water Resource Management Secretariat consisting of one or more employees designated by the Lieutenant Governor in Council from each of

- (a) The Department of Agriculture;
- (b) The Department of Energy;
- (c) The Department of Municipal Affairs;
- (d) The Department of the Environment, and
- (e) The Department of Forestry Lands and Wildlife.

(2) Membership in the Water Resource Management Secretariat shall include, in addition to the members prescribed in subsection (1), but not to be limited to representation from

- (a) Representatives of Local Authorities from within the district;
- (b) Licensees with interests in the district by virtue of any valid and subsisting licence of which they may be the holder;
- (c) such others as the Lieutenant Governor in Council may designate and the Water Resource Management Council may recommend.

The Water Resource Management Secretariat is responsible to the Council and shall carry out its functions and duties under the direction and supervision of the Council.

(3) The functions of the Water Resource Management Secretariat are

- (a) to establish liaison and communication among the Council, the local boards of districts, special committees

and boards and other persons and organizations dealing with matters relating to water resource management;

(b) to evaluate and prepare recommendations on water resource management policy for the Council;

(c) to maintain and compile records, statistics and data for the Council and prepare and recommend regulations and legislation relating to water resource management;

(d) to prepare, publish and circulate information and material pertaining to water resource management;

(e) to assist and advise local boards on administrative procedures;

(f) to assist in the preparation of requests referred to in section 82.3(4) and to review such requests prior to placing the report before Council;

(g) to make recommendations with respect to any request which it places before Council;

(h) to perform any other work assigned to it by the Council.

4 This Act comes into force on Proclamation.

