

2019 Bill 25

First Session, 30th Legislature, 68 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 25

RED TAPE REDUCTION IMPLEMENTATION ACT, 2019

THE ASSOCIATE MINISTER OF RED TAPE REDUCTION

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 25

BILL 25

2019

RED TAPE REDUCTION IMPLEMENTATION ACT, 2019

(Assented to , 2019)

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

Alberta Health Care Insurance Act

Amends RSA 2000 cA-20

**1(1) The *Alberta Health Care Insurance Act* is amended by this
section.**

(2) Section 1 is amended

- (a) by repealing clause (b)(iv);**
- (b) by repealing clause (e);**
- (c) by repealing clause (f);**
- (d) in clause (w) by striking out “chiropractor,”.**

Explanatory Notes

Alberta Health Care Insurance Act

1(1) Amends chapter A-20 of the Revised Statutes of Alberta 2000.

(2) Section 1 presently reads in part:

1 In this Act,

(b) “basic health services” means

(iv) chiropractic services,

(e) “chiropractic services” means those services provided by a chiropractor that are specified in the regulations as chiropractic services for the purposes of the Plan;

(f) “chiropractor” means,

(i) with reference to services provided in Alberta, a regulated member of the Alberta College and Association of Chiropractors who holds a practice permit respecting the practice of chiropractic or a professional corporation registered with the Alberta College and Association of Chiropractors under the Health Professions Act, and

(3) Section 2 is amended by striking out “(iv),”.

(4) Section 22(20)(d) is repealed.

Education Act

Amends SA 2012 cE-0.3

2(1) The *Education Act* is amended by this section.

(2) Section 1(1) is amended by adding the following after clause (n.1):

(n.2) “joint use and planning agreement” means an agreement referred to in section 53.1;

(3) The following is added after section 53:

Joint use and planning agreements

53.1(1) In this section, “municipal reserve”, “municipal and school reserve” and “school reserve” have the meanings given to them in section 616 of the *Municipal Government Act*.

(2) Where on the coming into force of this section a board is operating within the municipal boundaries of one or more

(ii) *with reference to services provided in a place outside Alberta, a person lawfully entitled to practise chiropractic in that place;*

(w) *“practitioner” means a chiropractor, denturist, dentist, optician, optometrist, physician or podiatrist or other person who provides a basic health service or an extended health service;*

(3) Section 2 presently reads:

2 The Lieutenant Governor in Council may by regulation declare any basic health services referred to in section 1(b)(ii), (iii), (iv), (v) or (vi) to be insured services for the purposes of the Plan.

(4) Section 22(20) presently reads in part:

(20) In subsections (18) and (19), “disciplinary body” means

(d) the council or a hearing tribunal of the Alberta College and Association of Chiropractors under the Health Professions Act,

Education Act

2(1) Amends chapter E-0.3 of the Statutes of Alberta, 2012.

(2) Section 1 presently reads in part:

1(1) In this Act,

(n.1) “intimate image” means an intimate image as defined in the Protecting Victims of Non-consensual Distribution of Intimate Images Act;

(3) Joint use and planning agreements.

municipalities, the board must, within 3 years after this section comes into force, or if the Minister extends that period under subsection (4), within the extended period, enter into an agreement under section 670.1 of the *Municipal Government Act* with each of the municipalities.

(3) Where after the coming into force of this section a board commences operating within the municipal boundaries of a municipality, the board must, within 3 years after it commences operating in the municipality, or if the Minister extends that period under subsection (4), within the extended period, enter into an agreement under section 670.1 of the *Municipal Government Act* with the municipality.

(4) The Minister may extend the 3-year period under subsection (2) or (3) in respect of all boards or one or more specified boards.

(5) More than one board may be a party to an agreement referred to in this section.

(6) An agreement may be amended from time to time as the parties consider necessary or advisable.

(4) Section 149 is amended by adding the following after subsection (2):

(3) A form of notice required to be sent under subsection (2)(a) or (b) may be sent in accordance with a bylaw under section 608.1(2) of the *Municipal Government Act*.

(5) Subsections (2) and (3) come into force on Proclamation.

(6) Subsection (4) has effect on January 1, 2020.

(4) Section 149 presently reads:

149(1) If a person acquires ownership of a fee simple estate in land, the person shall complete the appropriate notice referred to in this Division and give it to the municipality in which the land referred to in the transfer is located.

(2) If a municipality does not receive a notice under subsection (1) within 60 days after it is advised that the ownership of a fee simple estate in land has been transferred, the municipality shall send the transferee

(a) if the transferee is an individual, a form of notice under section 147(1) and (3), or

(b) if the transferee is a corporation or cooperative, a form of notice under section 148.

(5) Coming into force.

(6) Coming into force.

Forests Act

Amends RSA 2000 cF-22

3(1) The *Forests Act* is amended by this Act.

(2) Section 16(1) is amended by striking out “, with the approval of the Lieutenant Governor in Council,”.

Glenbow-Alberta Institute Act

Amends RSA 2000 cG-6

4(1) The *Glenbow-Alberta Institute Act* is amended by this section.

(2) Section 21 is amended by adding the following after subsection (5):

(6) Despite subsection (1), if the Institute has loaned collection assets to another organization, the responsibility for providing curatorial care of and ensuring reasonable public access to those assets may be transferred to the other organization if authorized by an agreement between the Minister and the Institute under subsection (2).

Government Organization Act

Amends RSA 2000 cG-10

5(1) The *Government Organization Act* is amended by this section.

(2) Schedule 7.1 is amended by repealing section 3 and substituting the following:

Forests Act

3(1) Amends chapter F-22 of the Revised Statutes of Alberta 2000.

(2) Section 16(1) presently reads:

16(1) The Minister, with the approval of the Lieutenant Governor in Council, may enter into a forest management agreement with any person to enable that person to enter on forest land for the purpose of establishing, growing and harvesting timber in a manner designed to provide a yield consistent with sustainable forest management principles and practices.

Glenbow-Alberta Institute Act

4(1) Amends chapter G-6 of the Revised Statutes of Alberta 2000.

(2) Section 21 presently reads in part:

21(1) Unless the collection assets have been repatriated pursuant to section 20(3), the Institute has full responsibility for and authority with respect to providing curatorial care of and ensuring reasonable public access to the collection assets

(2) The Minister and the Institute may negotiate to enter and enter into agreements providing for the matters referred to in subsection (1) and for the transfer to the Crown of specified cultural property acquired after March 1996.

(5) The principal location of the collection assets is to remain in Calgary.

Government Organization Act

5(1) Amends chapter G-10 of the Revised Statutes of Alberta 2000.

(2) Section 3 of Schedule 7.1 presently reads:

Regulations

3 The Minister may make regulations authorizing a person or a category of persons, other than a regulated member or category of regulated members under the *Health Professions Act*, to perform one or more restricted activities subject to any conditions included in the regulations.

Health Professions Act

Amends RSA 2000 cH-7

6(1) The *Health Professions Act* is amended by this section.

(2) Section 1(1)(a) is repealed.

(3) Section 13(2)(c) is amended by striking out “or the Advisory Board”.

(4) The heading preceding section 22 and sections 22, 23 and 24 are repealed.

3 On consulting with the Health Professions Advisory Board under the Health Professions Act, the Minister may make regulations authorizing a person or a category of persons other than a regulated member or category of regulated members under the Health Professions Act, to perform one or more restricted activities subject to any conditions included in the regulations.

Health Professions Act

6(1) Amends chapter H-7 of the Revised Statutes of Alberta 2000.

(2) Section 1(1)(a) presently reads:

1(1) In this Act,

(a) "Advisory Board" means the Health Professions Advisory Board established under Part 1;

(3) Section 13(2)(c) presently reads:

(2) The following are not eligible to be appointed as public members:

(c) a member or officer of a regional health authority or the Advisory Board.

(4) The heading preceding section 22 and sections 22, 23 and 24 presently read:

Advisory Board

22(1) The Health Professions Advisory Board is established.

(2) The Advisory Board consists of

(a) not more than 12 persons appointed as voting members by the Lieutenant Governor in Council, of which at least 25% must be regulated members or registered members of a profession whose registered members are authorized, by statute, to provide health services, and

(b) the following non-voting members, who must be employees of the Government:

- (i) one employee designated by the Deputy Minister of Community and Social Services;*
- (ii) one employee designated by the Deputy Minister of Health;*
- (iii) one employee designated by the Deputy Minister of Advanced Education.*

(3) A person may be appointed under subsection (2)(a) for a term of up to 3 years and may be reappointed, but may not be appointed for more than 6 consecutive years.

(3.1) A member described in subsection (2)(a) continues to hold office after the expiry of the member's term until the member is reappointed, the member's appointment is rescinded or a successor is appointed.

(4) The powers and duties of the Advisory Board are not affected

- (a) subject to subsection (5), by the failure of a voting member to attend a meeting of the Advisory Board, or*
- (b) by a vacancy in the office of a voting member.*

(5) The quorum is at least 1/2 of the persons appointed as voting members.

(6) The Lieutenant Governor in Council may designate a chair of the Advisory Board from among the voting members and in the absence or inability of the chair to act the voting members may designate a voting member as acting chair.

(7) Voting members appointed under this section may be paid remuneration and for reasonable living and travelling expenses incurred while away from their ordinary places of residence in the course of their duties as members at the rates prescribed by the Lieutenant Governor in Council in accordance with any applicable regulations under the Alberta Public Agencies Governance Act.

(7.1) If regulations under the Alberta Public Agencies Governance Act establish rates in respect of remuneration or expenses referred to in subsection (7), those regulations prevail, to the extent of any conflict or inconsistency, over any regulations prescribing a rate under that subsection.

(5) Section 25 is amended

(a) by repealing subsection (3);

(b) by repealing subsection (4) and substituting the following:

(4) On receipt of an application under subsection (1), the Minister may do one or more of the following:

- (a) evaluate the risk to the physical and psychological health and safety of the public from incompetent, unethical or impaired practice of the profession;
- (b) ascertain what constitutes the practice of the profession, whether persons practising the profession should be authorized to provide restricted activities and the conditions, if any, that should apply to the practice of the profession or the provision of restricted activities;
- (c) evaluate and make recommendations on the services normally provided by a person practising the profession, including the complexity of the services and how they are carried out;

(8) The Minister may provide administrative, secretarial and clerical services required by the Advisory Board.

23 The Advisory Board may, on the request of the Minister, investigate and provide the Minister with advice related to this Act and Schedule 7.1 to the Government Organization Act.

24(1) The Advisory Board must give the colleges reasonable notice of the matters to be discussed at a meeting of the Advisory Board and allow them to make submissions.

(2) A meeting of the Advisory Board must be open to the public unless the Advisory Board determines that the meeting should be closed for the purposes of discussion and voting.

(3) The portion of an Advisory Board meeting when submissions are presented must be open to the public unless the Advisory Board is satisfied that the interests of the person making the submission, or of any other person, would be detrimentally affected if the submission were not presented in private.

(5) Section 25 presently reads in part:

(3) On receipt of an application under subsection (1), if the Minister is satisfied that it is in the public interest the Minister may direct the Advisory Board to investigate whether the profession should be regulated under this Act.

(4) When conducting an investigation under subsection (3), the Advisory Board may investigate as it considers necessary and, without limiting the generality of the foregoing, may do one or more of the following:

- (a) evaluate the risk to the physical and psychological health and safety of the public from incompetent, unethical or impaired practice of the profession;*
- (b) ascertain what constitutes the practice of the profession, whether persons practising the profession should be authorized to provide restricted activities and the conditions, if any, that should apply to the practice of the profession or the provision of restricted activities;*
- (c) evaluate and make recommendations on the services normally provided by a person practising the profession,*

- (d) consider whether the services normally provided by persons practising the profession are regulated by an enactment;
- (e) consider whether the profession is a distinct and identifiable profession;
- (f) consider whether the proposed protected title is appropriately descriptive and whether it is likely to cause public confusion;
- (g) consider the potential costs and benefits of regulating the profession, including the expected effect on practitioner availability and on education and training programs, the expected effect on enhancement of quality of service and the expected effect on prices, access and service efficiency;
- (h) ascertain the qualifications and minimum standards of competence that are required for a person applying to practise the profession and how the continuing competence of practitioners is to be maintained, ascertain what education programs are available and evaluate the available education programs;
- (i) ascertain the ability of the proposed college of the profession to carry out its powers and duties under this Act or consider whether they could be carried out by an existing college;
- (j) evaluate the effect, if any, that there would be on any agreements on trade and mobility to which Canada or Alberta is a signatory if the profession would become a regulated profession;
- (k) consider any other matter.

(6) Section 26 is repealed.

including the complexity of the services and how they are carried out;

- (d) consider whether the services normally provided by persons practising the profession are regulated by an enactment;*
- (e) consider whether the profession is a distinct and identifiable profession;*
- (f) consider whether the proposed protected title is appropriately descriptive and whether it is likely to cause public confusion;*
- (g) consider the potential costs and benefits of regulating the profession, including the expected effect on practitioner availability and on education and training programs, the expected effect on enhancement of quality of service and the expected effect on prices, access and service efficiency;*
- (h) ascertain the qualifications and minimum standards of competence that are required for a person applying to practise the profession and how the continuing competence of practitioners is to be maintained, ascertain what education programs are available and evaluate the available education programs;*
- (i) ascertain the ability of the proposed college of the profession to carry out its powers and duties under this Act or consider whether they could be carried out by an existing college;*
- (j) evaluate the effect, if any, that there would be on any agreements on trade and mobility to which Canada or Alberta is a signatory if the profession would become a regulated profession;*
- (k) on the request of the Minister, consider any other matter.*

(6) Section 26 presently reads:

26(1) On completing an investigation under section 25(3), the Advisory Board must recommend to the Minister, with reasons for the recommendation, whether it would be in the public interest that this Act be amended to include the profession as a regulated profession and may make any other recommendation that, in its opinion, is compatible with the public interest.

Human Tissue and Organ Donation Act

Amends SA 2006 cH-14.5

7(1) The *Human Tissue and Organ Donation Act* is amended by this section.

(2) Sections 4.1 and 4.2(1) are amended by striking out “tissue, organs or body” and substituting “tissue or organs”.

(2) If the Advisory Board recommends that the profession be a regulated profession under this Act, the Advisory Board must also make recommendations respecting

- (a) the college for the proposed regulated profession,*
- (b) a proposed practice for the proposed regulated profession, and*
- (c) a name, title and initials, if any, for the proposed regulated profession and its members,*

and the Advisory Board may make any other recommendations that, in its opinion, are compatible with the public interest.

Human Tissue and Organ Donation Act

7(1) Amends chapter H-14.5 of the Statutes of Alberta, 2006.

(2) Sections 4.1 and 4.2(1) presently read:

4.1 The Minister shall establish an online registry to facilitate registration of the consent of adults to the donation of their tissue, organs or body in accordance with section 4(1)(a).

4.2(1) When an adult applies

- (a) to the Registrar of Motor Vehicle Services for the issuance or renewal of an operator's licence under the Traffic Safety Act, or*
- (b) to the Minister responsible for section 17 of Schedule 12 to the Government Organization Act for an identification card,*

that adult shall be asked whether he or she consents to the donation of his or her tissue, organs or body in accordance with section 4(1)(a).

(3) Section 9(3.1) is repealed and the following is substituted:

(3.1) Despite subsections (1) and (5),

(a) a consent or a revocation of a consent provided through the online registry is valid if it is

(i) in writing, and

(ii) dated,

and

(b) a consenter who revokes a consent through the online registry is not required to provide the revocation to any person the consenter knows has a copy of that consent.

(4) This section comes into force on March 31, 2020.

Hydro and Electric Energy Act

Amends RSA 2000 cH-16

8(1) The *Hydro and Electric Energy Act* is amended by this Act.

(2) Section 9 is repealed and the following is substituted:

Approval of hydro development

9 No person shall construct or operate a hydro development unless the Commission, by order, has approved the construction and operation of the hydro development.

(3) Section 9 presently reads in part:

9(1) A consent required by this Act must be

(a) in writing,

(b) dated, and

(c) signed

(i) by the consenter and a witness, or

(ii) if a consenter cannot sign for any reason, by 2 persons who witnessed the agreement to the donation by the consenter.

(3.1) A consent provided through the online registry is valid notwithstanding that it is not signed by a witness.

(5) If a consenter revokes a consent, that consenter must provide a revocation that meets the requirements of subsection (1) to any person the consenter knows has a copy of that consent as soon as practicable.

(4) Coming into force.

Hydro and Electric Energy Act

8(1) Amends chapter H-16 of the Revised Statutes of Alberta 2000.

(2) Section 9 presently reads:

9(1) No person shall construct a hydro development unless the Commission, by order, has approved the construction of the hydro development in accordance with this section.

(2) When a person proposes to construct a hydro development, the person shall apply to the Commission for an order approving the construction of the hydro development.

(3) When the Commission receives an application for an order approving the construction of a hydro development, the Commission

(3) Section 10 is repealed.

shall make any investigation, make any inquiry and hold any hearings it considers necessary or desirable in connection with the application.

(4) The Commission may, after making an investigation, inquiry and holding the hearings it considers necessary, refuse the application for an order of the Commission for the construction of a hydro development.

(5) Subject to subsection (9), when the Commission does not refuse an application to construct a hydro development it shall, after dealing with the matters mentioned in subsection (3), report on it to the Lieutenant Governor in Council.

(6) On a report being received by the Lieutenant Governor in Council pursuant to subsection (5), the Executive Council shall cause a Bill to be prepared for the authorization of an order of the Commission for construction of the hydro development by the Legislature.

(7) The Bill for the authorization of an order of the Commission for the construction of the hydro development shall be introduced in the Legislative Assembly as soon as it has been prepared if the Assembly is then sitting and if not, in the next session following the preparation of the Bill.

(8) On Royal Assent being given to a Bill for the authorization of an order of the Commission for the construction of a hydro development, the Commission shall, by order, approve the construction of the hydro development and may make its approval subject to any conditions that it is empowered to impose under this Act and the regulations.

(9) The Commission shall not approve the construction of a hydro development unless there is an Act authorizing an order of the Commission for the construction of the hydro development.

(3) Section 10 presently reads:

10(1) No person shall operate a hydro development unless the Commission, by order and with the authorization of the Lieutenant Governor in Council, has approved the operation.

(2) The Lieutenant Governor in Council may make the Lieutenant Governor in Council's authorization under subsection (1) subject to

(4) Section 12 is repealed and the following is substituted:

Survey of site

12 Notwithstanding sections 9 and 11, the site of a hydro development or power plant may be surveyed without an order or approval.

(5) Section 13(1) is amended by striking out “Sections 9, 10 and 11” and substituting “Sections 9 and 11”.

(6) Section 20(3) is amended by striking out “section 10, 11 or 15” and substituting “section 11 or 15”.

M.S.I. Foundation Act

Amends RSA 2000 cM-24

9(1) The *M.S.I. Foundation Act* is amended by this section.

(2) Section 4 is amended

(a) by repealing subsection (1)(c) and substituting the following:

(c) 3 public members to be appointed by the Minister,

(b) by repealing subsection (2) and substituting the following:

any terms and conditions the Lieutenant Governor in Council considers necessary or desirable.

(4) Section 12 presently reads:

12 Notwithstanding sections 9, 10 and 11, the site of a hydro development or power plant may be surveyed without an order, approval or authorization.

(5) Section 13(1) presently reads:

13(1) Sections 9, 10 and 11 do not apply to a person generating or proposing to generate electric energy solely for the person's own use, unless the Commission otherwise directs.

(6) Section 20(3) presently reads:

(3) Notwithstanding section 10, 11 or 15, when an operator has discontinued the operation of but has not dismantled or removed a hydro development, power plant or transmission line and an interruption or emergency is experienced or is reasonably foreseen, the Commission may authorize, or with the approval of the Minister responsible for this Act may order, the operation of the hydro development, power plant or transmission line and associated facilities until the interruption or emergency or the foreseen interruption or emergency has passed.

M.S.I. Foundation Act

9(1) Amends chapter M-24 of the Revised Statutes of Alberta 2000.

(2) Section 4 presently reads in part:

4(1) The board of trustees of the Foundation shall consist of

(c) 3 persons to be appointed by the Lieutenant Governor in Council,

and the persons so appointed shall hold office for a term of 3 years or until their successors are appointed.

(2) The members of the board of trustees shall select from among themselves one member to be chair of the board of trustees of the Foundation.

(c) in subsection (3) by striking out “number” and substituting “members”.

(3) Section 5(2) is amended by striking out “and” at the end of clause (a) and by repealing clause (b).

Municipal Government Act

Amends RSA 2000 cM-26

10(1) The *Municipal Government Act* is amended by this section.

(2) Section 1(1.1) is repealed.

(3) Section 141.4 is amended by renumbering it as section 141.4(1) and adding the following after subsection (1):

(2) Subsection (1) does not apply to

- (a) a charter or an amendment made after considering any responses to a proposed charter or amendment that was published in accordance with subsection (1),
- (b) the repeal of a provision that, pursuant to section 141.5(3), makes inapplicable, modifies or replaces a provision of this Act or another enactment or adds a provision to this Act or another enactment, if
 - (i) this Act or the other enactment is amended to have substantively the same effect as the charter provision being repealed, and

(2) The Lieutenant Governor in Council shall designate one of the members appointed under subsection (1)(c) to be chair of the board of trustees of the Foundation.

(3) If the chair is absent at a meeting of the Foundation, the members present shall appoint one of their number to preside at that meeting.

(3) Section 5(2) presently reads:

(2) A bylaw is not valid unless

(a) it is passed by a majority of the board of trustees holding office, and

(b) it is approved by the Lieutenant Governor in Council.

Municipal Government Act

10(1) Amends chapter M-26 of the Revised Statutes of Alberta 2000.

(2) Section 1(1.1) presently reads:

(1.1) The Minister may make regulations defining “meeting” for the purposes of one or more provisions of this Act and the regulations.

(3) Section 141.4 presently reads:

141.4 Before a charter is established or amended, the Minister must ensure the proposed charter or amendment is published on the Minister’s department’s website for at least 60 days.

- (ii) the repeal of the charter provision and the amendment to this Act or the other enactment take effect at the same time,
- (c) the repeal of a provision that applied only during a limited time that has expired, or
- (d) an amendment made solely to
 - (i) update terminology or references to other legislation, or
 - (ii) correct one or more clerical, technical, grammatical or typographical errors, if the amendment does not materially affect the charter in principle or substance.

(4) Sections 165 and 166 are amended by striking out “90 days” and substituting “120 days”.

(5) Section 197 is amended

- (a) in subsection (1) by striking out “subsection (2), (2.01) or (2.1)” and substituting “subsection (2) or (2.1)”;**
- (b) by repealing subsection (2.01);**

(4) Sections 165 and 166 presently read:

165 Unless a council sets an earlier date, election day for a by-election under section 162 or 163 is 90 days after the vacancy occurs.

166 If a vacancy must be filled by by-election under section 162 or 163 and a by-election is not held within 90 days after the vacancy occurs, the Minister may by order

- (a) set another date for the by-election;*
- (b) extend the time for filling that vacancy to the next general election;*
- (c) reduce the quorum for council;*
- (d) direct the chief administrative officer to conduct the by-election;*
- (e) take any other action the Minister considers necessary.*

(5) Section 197 presently reads in part:

197(1) Councils and council committees must conduct their meetings in public unless subsection (2), (2.01) or (2.1) applies.

(2.01) Councils and council committees may close all or part of their meetings to the public if a matter to be discussed is of a class

- (c) **in subsection (4)(b) by striking out** “or under the regulations under subsection (7)”;
- (d) **in subsection (6) by striking out** “, and the minutes of the meeting must record the names of those persons and the reasons for allowing them to attend”;
- (e) **by repealing subsection (7).**

(6) Section 203(1) is repealed and the following is substituted:

Delegation by council

203(1) A council may by bylaw delegate any of its powers, duties or functions under this or any other enactment or a bylaw to a council committee or any person unless an enactment or bylaw provides otherwise.

(7) Section 208(1)(a)(i) is amended by striking out “without note or comment”.

(8) Section 291 is amended by adding the following after subsection (2):

(2.1) Notwithstanding subsection (2), an assessment must be prepared for new improvements, whether complete or not, on a property or a portion of a property where the improvements do not contain machinery and equipment intended to be used in connection with the manufacturing and processing operation

prescribed or otherwise described in the regulations under subsection (7).

(4) Before closing all or any part of a meeting to the public, a council or council committee must by resolution approve

(b) the basis on which, under an exception to disclosure in Division 2 of Part 1 of the Freedom of Information and Protection of Privacy Act or under the regulations under subsection (7), the part of the meeting is to be closed.

(6) Where a council or council committee closes all or part of a meeting to the public, the council or council committee may allow one or more other persons to attend, as it considers appropriate, and the minutes of the meeting must record the names of those persons and the reasons for allowing them to attend.

(7) The Minister may make regulations prescribing or otherwise describing classes of matters for the purposes of subsection (2.01).

(6) Section 203(1) presently reads:

203(1) A council may by bylaw delegate any of its powers, duties or functions under this or any other enactment or a bylaw to a council committee, the chief administrative officer or a designated officer, unless this or any other enactment or bylaw provides otherwise.

(7) Section 208(1)(a)(i) presently reads:

208(1) The chief administrative officer must ensure that

(a) minutes of each council meeting

(i) are recorded in the English language without note or comment,

(8) Section 291 presently reads:

291(1) Unless subsection (2) applies, an assessment must be prepared for an improvement whether or not it is complete or capable of being used for its intended purpose.

(2) No assessment is to be prepared

even if another portion of the property contains a manufacturing or processing operation.

(9) The following is added after section 295:

Assessor not bound by information received

295.1 An assessor is not bound by the information received under section 294 or 295 if the assessor has reasonable grounds to believe that the information is inaccurate.

(10) The following is added after section 325:

Continuous bylaws — assessment

325.1 Bylaws enacted under section 297 or 313 remain in force after the year in which they are enacted and apply in respect of subsequent years until they are repealed.

- (a) *for new linear property that is not operational on or before October 31,*
 - (b) *for new improvements, other than designated industrial property improvements, that are intended to be used for or in connection with a manufacturing or processing operation and that are not operational on or before December 31,*
 - (c) *for new designated industrial property improvements, other than linear property, that are intended to be used for or in connection with a manufacturing or processing operation and that are not operational on or before October 31,*
 - (d) *for new improvements, other than designated industrial property improvements, that are intended to be used for the storage of materials manufactured or processed by the improvements referred to in clause (b), if the improvements referred to in clause (b) are not operational on or before December 31, or*
 - (e) *for new designated industrial property improvements, other than linear property, that are intended to be used for the storage of materials manufactured or processed by the improvements referred to in clause (c), if the improvements referred to in clause (c) are not operational on or before October 31.*
- (9) Assessor not bound by information received.
- (10) Continuous bylaws — assessment.

(11) Section 354(5) is repealed and the following is substituted:

(5) If after sending out the tax notices the municipality discovers an error or omission that relates to the tax rates set by the property tax bylaw, the municipality may

- (a) amend the property tax bylaw to the extent necessary to correct the error or omission, and
- (b) send out amended tax notices, if required as a result of the corrections to the property tax bylaw.

(6) A municipality must, within 30 days after passing a property tax bylaw amendment under subsection (5), provide the Minister with a copy of the amended bylaw.

(12) The following is added after section 369:

Continuous tax bylaws — tax

369.1 Bylaws enacted under section 369(1), 371 or 379 remain in force after the year in which they are enacted and apply in respect of subsequent years until they are repealed.

(13) Section 453(1)(d) is amended by striking out “designated officer appointed as clerk” and substituting “clerk appointed”.

(14) Section 456(1) is amended by striking out “designated officer to act as” and substituting “person as”.

(15) Section 467 is amended by adding the following after subsection (1):

(1.1) For greater certainty, the power to make a change under subsection (1) includes the power to increase or decrease an assessed value shown on an assessment roll or tax roll.

(11) Section 354(5) presently reads:

(5) If after sending out the tax notices the municipality discovers an error or omission that relates to the tax rates set by the property tax bylaw, the Minister may by order permit a municipality to revise the property tax bylaw and send out a revised tax notice.

(12) Continuous bylaws — tax.

(13) Section 453(1)(d) presently reads:

453(1) In this Part,

(d) “clerk”, in respect of a local assessment review board or composite assessment review board having jurisdiction in one or more municipalities, means the designated officer appointed as clerk under section 456;

(14) Section 456(1) presently reads:

456(1) The council of a municipality must appoint a designated officer to act as the clerk of the assessment review boards having jurisdiction in the municipality.

(15) Section 467(1) presently reads:

467(1) An assessment review board may, with respect to any matter referred to in section 460(5), make a change to an assessment roll or tax roll or decide that no change is required.

(16) Section 602.08 is amended

- (a) in subsection (1) by striking out “or (2.1)”;**
- (b) by repealing subsection (2.1);**
- (c) in subsection (4)(b) by striking out “or under the regulations under subsection (7)”;**
- (d) in subsection (6) by striking out “, and the minutes of the meeting must record the names of those persons and the reasons for allowing them to attend”;**
- (e) by repealing subsection (7).**

(17) The following is added after section 608:

Bylaws for sending certain documents electronically

608.1(1) Despite section 608, a council may by bylaw establish a process for sending assessment notices, tax notices and other notices, documents and information under Part 9, 10 or 11 or the regulations under Part 9, 10 or 11 by electronic means.

(2) A council may by bylaw establish a process for sending forms of notice under section 149(2) or (3) of the *Education Act* by electronic means.

(3) Before making a bylaw under this section, the council must be satisfied that the proposed bylaw includes appropriate measures to ensure the security and confidentiality of the notices, documents and information being sent.

(16) Section 602.08 presently reads in part:

602.08(1) Boards and board committees must conduct their meetings in public unless subsection (2) or (2.1) applies.

(2.1) Boards and board committees may close all or part of their meetings to the public if a matter to be discussed is of a class prescribed or otherwise described in the regulations under subsection (7).

(4) Before closing all or any part of a meeting to the public, a board or board committee must by resolution approve

(b) the basis on which, under an exception to disclosure in Division 2 of Part 1 of the Freedom of Information and Protection of Privacy Act or under the regulations under subsection (7), the part of the meeting is to be closed.

(6) Where a board or board committee closes all or part of a meeting to the public, the board or committee may allow one or more other persons to attend, as it considers appropriate, and the minutes of the meeting must record the names of those persons and the reasons for allowing them to attend.

(7) The Minister may make regulations prescribing or otherwise describing classes of matters for the purposes of subsection (2.1).

(17) Bylaws for sending certain documents electronically.

(4) Before making a bylaw under this section, the council must give notice of the proposed bylaw in a manner the council considers is likely to bring the proposed bylaw to the attention of substantially all persons that would be affected by it.

(5) A bylaw under subsection (1) or (2) must provide for a method by which persons may opt to receive the notice, document or information by electronic means.

(6) The sending by electronic means of any notice, document or information referred to in subsection (1) or (2) is valid only if the person to whom it is sent has opted under the bylaw to receive it by those means.

(18) Section 616 is amended by adding the following after clause (j):

(j.1) “joint use and planning agreement” means an agreement under section 670.1;

(19) Section 627.1 is amended

(a) by repealing subsection (3) and substituting the following:

(3) A person appointed as a clerk of a subdivision and development appeal board may also hold an appointment under section 456 as a clerk of an assessment review board.

(b) in subsection (4) by striking out “No designated officer is eligible for appointment under this section unless that designated officer” and substituting “No person is eligible for appointment as a clerk of a subdivision and development appeal board unless that person”.

(20) Section 631 is repealed and the following is substituted:

Intermunicipal development plans

631(1) Subject to subsections (2) and (3), 2 or more councils of municipalities that have common boundaries and that are not members of a growth region as defined in section 708.01 must, by each passing a bylaw in accordance with this Part or in accordance with sections 12 and 692, adopt an intermunicipal

(18) Adds definition.

(19) Section 627.1 presently reads in part:

(3) A clerk appointed under this section must be a designated officer and may be a person who holds an appointment as a clerk under section 456.

(4) No designated officer is eligible for appointment under this section unless that designated officer has successfully completed a training program in accordance with the regulations made under section 627.3(a).

(20) Section 631 presently reads:

631(1) Two or more councils of municipalities that have common boundaries that are not members of a growth region as defined in section 708.01 must, by each passing a bylaw in accordance with this Part or in accordance with sections 12 and 692, adopt an intermunicipal development plan to include those areas of land lying within the boundaries of the municipalities as they consider necessary.

development plan to include those areas of land lying within the boundaries of the municipalities as they consider necessary.

(2) Subsection (1) does not require municipalities to adopt an intermunicipal development plan with each other if they agree that they do not require one, but any of the municipalities may revoke its agreement at any time by giving written notice to the other or others, and where that notice is given the municipalities must comply with subsection (1) within one year from the date of the notice unless an exemption is ordered under subsection (3).

(3) The Minister may, by order, exempt one or more councils from the requirement to adopt an intermunicipal development plan, and the order may contain any terms and conditions that the Minister considers necessary.

(4) Municipalities that are required under subsection (1) to adopt an intermunicipal development plan must have an intermunicipal development plan providing for all of the matters referred to in subsection (8) in place by April 1, 2020.

(5) If 2 or more councils that are required to adopt an intermunicipal development plan under subsection (1) do not have an intermunicipal development plan in place by April 1, 2020 because they have been unable to agree on a plan, they must immediately notify the Minister and the Minister must, by order, refer the matter to the Municipal Government Board for its recommendations in accordance with Part 12.

(6) Where the Minister refers a matter to the Municipal Government Board under this section, Part 12 applies as if the matter had been referred to the Board under section 514(2).

(7) Two or more councils of municipalities that are not otherwise required to adopt an intermunicipal development plan under subsection (1) may, by each passing a bylaw in accordance with this Part or in accordance with sections 12 and 692, adopt an intermunicipal development plan to include those areas of land lying within the boundaries of the municipalities as they consider necessary.

(8) An intermunicipal development plan

(1.2) Two or more councils of municipalities that are not otherwise required to adopt an intermunicipal development plan under subsection (1) may, by each passing a bylaw in accordance with this Part or in accordance with sections 12 and 692, adopt an intermunicipal development plan to include those areas of land lying within the boundaries of the municipalities as they consider necessary.

(2) An intermunicipal development plan

(a) must address

- (i) the future land use within the area,*
- (ii) the manner of and the proposals for future development in the area,*
- (iii) the provision of transportation systems for the area, either generally or specifically,*
- (iv) the co-ordination of intermunicipal programs relating to the physical, social and economic development of the area,*
- (v) environmental matters within the area, either generally or specifically, and*
- (vi) any other matter related to the physical, social or economic development of the area that the councils consider necessary,*

and

(b) must include

- (i) a procedure to be used to resolve or attempt to resolve any conflict between the municipalities that have adopted the plan,*
- (ii) a procedure to be used, by one or more municipalities, to amend or repeal the plan, and*
- (iii) provisions relating to the administration of the plan.*

(3) The council of a municipality that is required under this section to adopt an intermunicipal development plan must have an intermunicipal development plan that provides for all of the matters

(a) must address

- (i) the future land use within the area,
- (ii) the manner of and the proposals for future development in the area,
- (iii) the provision of transportation systems for the area, either generally or specifically,
- (iv) the co-ordination of intermunicipal programs relating to the physical, social and economic development of the area,
- (v) environmental matters within the area, either generally or specifically, and
- (vi) any other matter related to the physical, social or economic development of the area that the councils consider necessary,

and

(b) must include

- (i) a procedure to be used to resolve or attempt to resolve any conflict between the municipalities that have adopted the plan,
- (ii) a procedure to be used, by one or more municipalities, to amend or repeal the plan, and
- (iii) provisions relating to the administration of the plan.

(9) Despite subsection (8), to the extent that a matter is dealt with in a framework under Part 17.2, the matter does not need to be included in an intermunicipal development plan.

(10) In creating an intermunicipal development plan, municipalities must negotiate in good faith.

referred to in subsection (2) within 2 years from the date this subsection comes into force.

(4) Subject to the regulations, if municipalities that are required to create an intermunicipal development plan are not able to agree on a plan, sections 708.33 to 708.43 apply as if the intermunicipal development plan were an intermunicipal collaboration framework.

(5) In creating an intermunicipal development plan, the municipalities must negotiate in good faith.

(21) Section 631.1 is amended

(a) in subsection (1)

- (i) by repealing clause (a);**
- (ii) in clause (b) by striking out “intermunicipal plan” and substituting “intermunicipal development plan”;**
- (iii) by repealing clause (c);**

(b) by adding the following after subsection (1):

(1.1) After considering the recommendations of the Municipal Government Board respecting a matter referred to the Board under section 631(5), the Minister may, by order, require 2 or more municipal authorities to establish an intermunicipal development plan in accordance with the order by a date specified in the order.

(1.2) If the municipal authorities to whom an order under subsection (1.1) applies do not comply with the order, the Minister may make a further order establishing an intermunicipal development plan that is binding on the municipal authorities.

(c) by repealing subsection (2).

(22) Section 665 is amended by adding the following after subsection (3):

(4) For greater certainty, where a bylaw of the council requires that land be designated as environmental reserve, the designation becomes effective on the day the Registrar issues a new certificate of title for the land under subsection (2)(c).

(23) The following is added after section 670:

Joint use and planning agreements

670.1(1) Where on the coming into force of this section a school board is operating within the municipal boundaries of a municipality, the municipality must, within 3 years after this section comes into force, enter into an agreement under this section with the school board.

(21) Section 631.1 presently reads:

631.1(1) The Minister may make regulations

- (a) requiring 2 or more municipal authorities to establish an intermunicipal development plan in accordance with any requirements contained in the regulations or in an ALSA regional plan;*
- (b) respecting the matters to be included in an intermunicipal plan;*
- (c) respecting the time within which an intermunicipal plan must be complete.*

(2) If the municipal authorities to whom an ALSA regional plan applies or to whom a regulation under subsection (1) applies do not comply with the ALSA regional plan or the regulation, the Minister may establish an intermunicipal development plan that is binding on the municipal authorities.

(22) Section 665 presently reads in part:

(3) The certificate of title for a municipal reserve, school reserve, municipal and school reserve, environmental reserve, conservation reserve or public utility lot under this section must be free of all encumbrances, as defined in the Land Titles Act.

(23) Joint use and planning agreements.

(2) Where after the coming into force of this section a school board commences operating within the municipal boundaries of a municipality, the municipality must, within 3 years after the school board commences operating in the municipality, enter into an agreement under this section with the school board.

(3) An agreement under this section must contain provisions

- (a) establishing a process for discussing matters relating to
 - (i) the planning, development and use of school sites on municipal reserves, school reserves and municipal and school reserves in the municipality,
 - (ii) transfers under section 672 or 673 of municipal reserves, school reserves and municipal and school reserves in the municipality,
 - (iii) disposal of school sites,
 - (iv) the servicing of school sites on municipal reserves, school reserves and municipal and school reserves in the municipality, and
 - (v) the use of school facilities, municipal facilities and playing fields on municipal reserves, school reserves and municipal and school reserves in the municipality, including matters relating to the maintenance of the facilities and fields and the payment of fees and other liabilities associated with them,
- (b) respecting how the municipality and the school board will work collaboratively,
- (c) establishing a process for resolving disputes, and
- (d) establishing a time frame for regular review of the agreement,

and may, subject to this Act, the regulations, the *Education Act* and the regulations under that Act, contain any other provisions the parties consider necessary or advisable.

(4) More than one municipality may be a party to a joint use and planning agreement.

(5) A joint use and planning agreement may be amended from time to time as the parties consider necessary or advisable.

(24) Section 694(1) is amended by repealing clause (b.1).

(25) Section 708.01(1) is amended in the portion preceding clause (a) by striking out “this Part” and substituting “this Part and Part 17.2”.

(24) Section 694(1)(b.1) presently reads:

694(1) The Lieutenant Governor in Council may make regulations

(b.1) respecting the application of sections 708.33 to 708.43 for the purposes of section 631(4);

(25) Section 708.01(1) presently reads:

708.01(1) In this Part,

- (a) “growth management board” means a growth management board established by regulation under section 708.02;*
- (b) “growth plan” means an integrated growth management plan, including any amendments to that plan, approved by the Minister under section 708.1;*
- (c) “growth region” means all or part of the land lying within the boundaries of the participating municipalities of a growth management board that is designated by regulation under section 708.02 as the growth region for that growth management board;*
- (d) “municipal agreement” means an agreement entered into by a participating municipality;*
- (e) “participating municipality” means a municipality that is designated by regulation under section 708.02 as a member of the growth management board;*
- (f) “representative” means a person appointed by a participating municipality under section 708.04 to represent the participating municipality on a growth management board;*
- (g) “statutory plan” means*
 - (i) a statutory plan as defined in section 616(dd), or*
 - (ii) an amendment to a statutory plan referred to in subclause (i).*

(26) Section 708.041 is amended

- (a) in subsection (1) by striking out “or (3)”;**
- (b) by repealing subsection (3);**
- (c) in subsection (5)(b) by striking out “or under the regulations under subsection (8)”;**
- (d) in subsection (7) by striking out “, and the minutes of the meeting must record the names of those persons and the reasons for allowing them to attend”;**
- (e) by repealing subsection (8).**

(27) Section 708.26 is amended

- (a) in subsection (1)**
 - (i) in clause (a) by striking out “Division 3” and substituting “section 708.35”;**
 - (ii) by adding the following after clause (b):**
 - (c) “servicing plan” means the servicing plan, if any, required by a regulation under section 708.02.**
- (b) in subsection (2) by striking out “Subject to the regulations, a reference” and substituting “A reference”.**

(26) Section 708.041 presently reads in part:

708.041(1) Growth management boards and their committees must conduct their meetings in public unless subsection (2) or (3) applies.

(3) Growth management boards and their committees may close all or part of their meetings to the public if a matter to be discussed is of a class prescribed or otherwise described in the regulations under subsection (8).

(5) Before closing any part of a meeting to the public, a growth management board or growth management board committee must by resolution approve

(b) the basis on which, under an exception to disclosure in Division 2 of Part 1 of the Freedom of Information and Protection of Privacy Act or under the regulations under subsection (8), the part of the meeting is to be closed.

(7) Where a growth management board or growth management board committee closes all or part of a meeting to the public, the board or committee may allow one or more other persons to attend, as it considers appropriate, and the minutes of the meeting must record the names of those persons and the reasons for allowing them to attend.

(8) The Minister may make regulations prescribing or otherwise describing classes of matters for the purposes of subsection (3).

(27) Section 708.26 presently reads:

708.26(1) In this Part,

(a) “arbitrator” means a person who is chosen as an arbitrator under Division 3;

(b) “framework” means an intermunicipal collaboration framework entered into between 2 or more municipalities in accordance with this Part, and includes any amendments to a framework.

(2) Subject to the regulations, a reference in this Part to a municipality includes an improvement district.

(28) Section 708.27 is amended by striking out “require municipalities to develop an intermunicipal collaboration framework” **and substituting** “provide for intermunicipal collaboration frameworks”.

(29) Section 708.28 is repealed and the following is substituted:

Requirements for framework

708.28(1) Municipalities that have common boundaries must create a framework with each other by April 1, 2020 unless they are members of the same growth management board.

(2) Municipalities that are members of the same growth management board may create a framework with other members of the same growth management board in respect of matters that are not addressed in the growth plan or the servicing plan.

(3) Municipalities that do not have common boundaries may be parties to a framework.

(4) A municipality may be a party to more than one framework.

(5) Despite subsection (1), the Minister may by order exempt, on any terms and conditions the Minister considers necessary, one or more municipalities from the requirement to create a framework.

(6) For greater certainty, a municipality that is a member of a growth management board must create a framework with a municipality that is not a member of the same growth management board if they have common boundaries.

(28) Section 708.27 presently reads:

708.27 The purpose of this Part is to require municipalities to develop an intermunicipal collaboration framework among 2 or more municipalities

- (a) to provide for the integrated and strategic planning, delivery and funding of intermunicipal services,*
- (b) to steward scarce resources efficiently in providing local services, and*
- (c) to ensure municipalities contribute funding to services that benefit their residents.*

(29) Section 708.28 presently reads:

708.28(1) Subject to subsection (4), municipalities that have common boundaries must, within 2 years from the coming into force of this section, create a framework with each other.

(2) Municipalities that do not have common boundaries may be parties to a framework.

(3) A municipality may be a party to more than one framework.

(4) Despite subsection (1),

- (a) municipalities that are members of a growth management board are required to create a framework with other members of the same growth management board only in respect of those matters that are not addressed in the growth plan or the servicing plan;*
- (b) the Minister may by order exempt one or more municipalities from the requirement to create a framework.*

(5) Despite subsection (1) but subject to subsection (6), a framework to be created pursuant to subsection (4)(a) must be created by the municipalities within 2 years from the date on which the growth management board is established.

(6) Municipalities that are members of the growth management board referred to in section 708.02(1.2) must create a framework pursuant to subsection (4)(a) within 2 years from the coming into force of this section.

(30) Section 708.29 is amended

- (a) by repealing subsection (1) and substituting the following:**

Contents of framework

708.29(1) A framework must describe the services to be provided under it that benefit residents in more than one of the municipalities that are parties to the framework.

- (b) by repealing subsection (2) and substituting the following:**

(2) In developing the content of the framework required by subsection (1), the municipalities must identify which municipality is responsible for providing which services and outline how the services will be delivered and funded.

- (c) by adding the following after subsection (3):**

(3.1) Every framework must contain provisions establishing a process for resolving disputes that occur while the framework is in effect, other than during a review under section 708.32, with respect to

- (a) the interpretation, implementation or application of the framework, and
- (b) any contravention or alleged contravention of the framework.

(7) Despite subsection (4)(a), the Minister may require municipalities that are members of a growth management board to create a framework with other members of the same growth management board that address the services listed in section 708.29(2)(a) to (e), in which case subsections (5) and (6) apply in respect of that framework.

(8) An order under subsection (4)(b) may contain terms or conditions that the Minister considers necessary.

(9) For greater certainty, municipalities that are members of a growth management board must create a framework with those municipalities with which they have common boundaries that are not members of that growth management board

(30) Section 708.29 presently reads in part:

708.29(1) A framework

(a) must list

(i) the services being provided by each municipality,

(ii) the services being shared on an intermunicipal basis by the municipalities, and

(iii) the services in each municipality that are being provided by third parties by agreement with the municipality,

at the time the framework is created,

(b) must identify

(i) which services are best provided on a municipal basis,

(ii) which services are best provided on an intermunicipal basis, and

(iii) which services are best provided by third parties by agreement with the municipalities,

(c) for services to be provided on an intermunicipal basis, must outline how each service will be

(i) intermunicipally delivered, including which municipality will lead delivery of the service,

- (ii) *intermunicipally funded, and*
 - (iii) *discontinued by a municipality when replaced by an intermunicipal service,*
 - (d) *must set the time frame for implementing services to be provided on an intermunicipal basis,*
 - (e) *may contain any details required to implement services on an intermunicipal basis including details in respect of planning for, locating and developing infrastructure to support the services,*
 - (f) *may contain*
 - (i) *provisions for the purposes of developing infrastructure for the common benefit of residents of the municipalities, and*
 - (ii) *any other provisions authorized by the regulations,*
 - (g) *must meet the requirements of Division 4, and*
 - (h) *must meet any other requirements established by the regulations.*
- (2) *With respect to the requirements of subsection (1)(b), each framework must address services relating to*
- (a) *transportation,*
 - (b) *water and wastewater,*
 - (c) *solid waste,*
 - (d) *emergency services,*
 - (e) *recreation, and*
 - (f) *any other services, where those services benefit residents in more than one of the municipalities that are parties to the framework.*
- (3) *Nothing in this Part prevents a framework from enabling an intermunicipal service to be provided in only part of a municipality.*

(31) The following is added after section 708.29:

Court order to comply

708.291 If a municipality that is a party to an intermunicipal collaboration framework fails to participate in the dispute resolution process set out in the framework or fails to comply with an agreement reached by the parties as a result of that process, any other party to the framework may apply to the Court of Queen's Bench for an order directing the municipality to comply with the process or agreement.

(32) Section 708.3 is repealed.

(33) Section 708.32 is amended by adding the following after subsection (1):

(1.1) Unless a framework provides otherwise, it may be reviewed at any time by agreement of all the municipalities that are parties to it.

(34) The heading preceding section 708.33 is repealed.

(35) Section 708.33 is amended

(a) by repealing subsection (1) and substituting the following:

(31) Court order to comply.

(32) Section 708.3 presently reads:

708.3(1) A framework is not complete for the purposes of section 708.29 unless the councils of the municipalities that are parties to the framework have also adopted an intermunicipal development plan under section 631 or an intermunicipal development plan is included as an appendix to the framework.

(2) Subsection (1) does not apply if the Minister has exempted one or more of the councils of the municipalities from the requirement to adopt an intermunicipal development plan pursuant to section 631(1.1).

(3) Despite section 631, to the extent that a matter is dealt with in a framework, the matter does not need to be included in an intermunicipal development plan.

(33) Section 708.32 presently reads in part:

708.32(1) The municipalities that are parties to a framework must review the framework at least every 5 years after the framework is created, or within a shorter period of time as provided for in the framework.

(34) The heading preceding section 708.33 presently reads:

*Division 2
Framework Created
by Agreement*

(35) Section 708.33 presently reads in part:

708.33(1) Municipalities must create a framework by adopting matching bylaws that contain the framework.

Method of creating framework

708.33(1) In order to create a framework, the municipalities that are to be parties to the framework must each adopt a bylaw or resolution that contains the framework.

(b) by repealing subsection (2);

(c) in subsection (4) by striking out “ensure that a copy of it is filed with the Minister” **and substituting** “notify the Minister of the framework”.

(36) The heading preceding section 708.34 is repealed and the following is substituted:

**Division 2
Arbitration**

(37) Section 708.34 is amended by striking out “or” at the end of clause (a), adding “or” at the end of clause (b) and adding the following after clause (b):

- (c) the municipalities
 - (i) have an intermunicipal framework,
 - (ii) have attempted to resolve a dispute referred to in section 708.29(3.1) using the dispute resolution process under the framework, and
 - (iii) have been unsuccessful in resolving the dispute within one year after starting the dispute resolution process.

(38) Section 708.35 is repealed and the following is substituted:

Arbitration

708.35(1) Where section 708.34(a), (b) or (c) applies, the municipalities must refer the matter to an arbitrator.

(2) The arbitrator must be chosen by the municipalities or, if they cannot agree, by the Minister.

(3) Any mediator who has assisted the municipalities in attempting to create a framework is eligible to be an arbitrator under this Division.

(2) An intermunicipal development plan created as part of a framework may be adopted by the same bylaw that adopts the framework if the requirements of section 692 are met with respect to that plan.

(4) Once the municipalities have created a framework, the municipalities must ensure that a copy of it is filed with the Minister within 90 days of its creation.

(36) The heading preceding section 708.34 presently reads:

*Division 3
Arbitration*

(37) Section 708.34 presently reads:

708.34 This Division applies to municipalities that are required under section 708.28(1) to create a framework where

- (a) the municipalities are not able to create the framework within the time required under section 708.28, or*
- (b) when reviewing a framework under section 708.32, the municipalities do not agree that the framework continues to serve the interests of the municipalities and one of the municipalities provides written notice to the other municipalities and the Minister stating that the municipalities are not able to agree on the creation of a replacement framework.*

(38) Section 708.35 presently reads:

708.35(1) Where municipalities are subject to this Division, their dispute must be referred to an arbitrator in accordance with the regulations.

(2) The arbitrator must be chosen by the municipalities or, if they cannot agree, by the Minister.

(3) Any mediator who has assisted the municipalities in attempting to create a framework is eligible to be an arbitrator under this Division.

(4) Where municipalities for whom an arbitrator is appointed create a framework by agreement, the arbitration process ends.

(4) In a case referred to in section 708.34(a) or (b), the arbitration process ends where the municipalities create a framework by agreement or the Minister terminates the arbitration and makes an order under section 708.412.

(5) In a case referred to in section 708.34(c), the arbitration process ends where the municipalities resolve their dispute by agreement, the arbitrator makes an award under section 708.36 or the Minister terminates the arbitration and makes an order under section 708.412.

(6) The *Arbitration Act* applies to an arbitration under this Division except to the extent of any conflict or inconsistency with this Division, in which case this Division prevails.

(7) No municipality may, by means of an intermunicipal collaboration framework or any other means, vary or exclude any provision of the *Arbitration Act* and, for greater certainty, section 3 of the *Arbitration Act* does not apply in respect of an arbitration under this Division.

(8) An arbitrator chosen by the Minister is not subject to challenge or removal under the *Arbitration Act* by the parties or any court, but any party may request the Minister to remove and replace the arbitrator and the Minister may do so if the Minister considers it appropriate after considering the reasons for the request and any response by the other parties and the arbitrator.

(9) Section 42(2)(b) of the *Arbitration Act* does not apply in respect of an arbitration under this Division but the Minister may, at the Minister's discretion or at the request of any party or the arbitrator, terminate the arbitration and make an order under section 708.412.

(10) For greater certainty, nothing in this Division applies to an arbitration that occurs under the dispute resolution terms of a framework before the expiry of the year referred to in section 708.34(c)(iii).

(39) Section 708.36 is repealed and the following is substituted:

Role of arbitrator

708.36(1) Where a dispute is referred to an arbitrator under section 708.35, the arbitrator must make an award that resolves the issues in dispute among the municipalities

- (a) in the case of a framework that is required under section 708.28(1) to be created by April 1, 2020, within one year after that date, or
- (b) in the case of a replacement framework, within one year from the date the arbitrator is chosen.

(2) Despite subsection (1), an arbitrator may, as part of the arbitration process,

- (a) attempt mediation with the municipalities in an effort to resolve the issues in dispute, and
- (b) if the mediation is successful, require the municipalities to complete the framework to reflect their resolution of the dispute within a specified time.

(3) An arbitrator's award may include provisions respecting the responsibility for parties to pay or to share in paying costs, fees and disbursements incurred in the arbitration process.

(4) An arbitrator may require a municipality to provide or to make available for the arbitrator's examination and inspection any books, records or other materials of the municipality, but nothing in this subsection requires the arbitrator to examine or inspect any books, records or other materials before making an award.

(5) Unless the arbitrator rules otherwise, hearings in the arbitration are open to the public.

(6) An arbitrator may solicit written submissions from the public and, if the arbitrator does so, the arbitrator must take into account any written submissions received.

(7) An arbitrator must not make an award

(39) Section 708.36 presently reads:

708.36(1) Where a dispute is referred to an arbitrator under section 708.35, the arbitrator must, subject to the regulations, by order create a framework for those municipalities

(a) in the case of an original framework, within 3 years from the coming into force of section 708.28, or

(b) in the case of a replacement framework, within one year from the date the arbitrator is chosen.

(2) Despite subsection (1), an arbitrator may, as part of the arbitration process, attempt mediation with the municipalities, and

(a) resolve the dispute and require the municipalities to complete the framework within a reasonable time, or

(b) recommend an outline for a framework and give the municipalities a reasonable time to complete the framework.

- (a) that has the effect of granting, varying or otherwise affecting any licence, permit or approval that is subject to this Act or any other enactment,
- (b) on any matter that is subject to the exclusive jurisdiction of the Municipal Government Board,
- (c) that is contrary to the *Alberta Land Stewardship Act* or an ALSA regional plan,
- (d) that is contrary to an intermunicipal development plan under Part 17 or a growth plan or servicing plan,
- (e) that directs a municipality to raise revenue by imposing a specific tax rate, off-site levy or other rate, fee or charge, or
- (f) that directs a municipality to transfer revenue to another municipality, unless
 - (i) the revenue transfer is directly related to services provided by a municipality that the revenue-transferring municipality derives benefit from, and
 - (ii) the arbitrator considers it equitable to do so.

(40) Section 708.37 is repealed.

(40) Section 708.37 presently reads:

708.37(1) Where a dispute is referred to an arbitrator under section 708.35, each municipality must

- (a) provide to the arbitrator a report setting out what that municipality considers are the specific reasons why the municipalities are unable to create a framework, and*
- (b) participate in the arbitration process in accordance with the regulations.*

(2) Where a municipality fails to participate in the arbitration process, the arbitrator may

- (a) require the chief administrative officer of the municipality to produce any information required by the arbitrator, or*
- (b) settle the dispute or create a framework without the participation of that municipality.*

(41) Section 708.38 is amended

(a) in subsection (1)

- (i) in the portion preceding clause (a) by striking out “or creating a framework, an arbitrator must” and substituting “, an arbitrator may”;**
- (ii) in clause (f) by striking out “prescribed by the regulations” and substituting “that the arbitrator considers relevant”;**

(b) by repealing subsection (2).

(42) Section 708.39 is repealed.

(43) Section 708.4 is amended

(a) by repealing subsection (1) and substituting the following:

Municipalities must adopt framework and amend bylaws

708.4(1) Where an arbitrator makes an award respecting a framework, the municipalities are bound by the award and must, within 60 days after the date of the award, adopt a framework in accordance with the award.

(1.1) A municipality must amend its bylaws, other than its land use bylaw, as necessary to reflect the framework within 2 years after adopting the framework.

(1.2) If there is a conflict or inconsistency between a bylaw and the framework, the framework prevails to the extent of the conflict or inconsistency.

(41) Section 708.38 presently reads:

708.38(1) In resolving a dispute or creating a framework, an arbitrator must have regard to

(a) the services and infrastructure provided for in other frameworks to which the municipalities are also parties,

(f) any other matters prescribed by the regulations.

(2) When creating a framework by order, an arbitrator shall not make an order that is inconsistent with the criteria established in the regulations.

(42) Section 708.39 presently reads:

708.39(1) A framework created by an arbitrator must, subject to the regulations, comply with section 708.29.

(2) The parties to a framework created by an arbitrator may, by agreement, amend the framework.

(3) For greater clarity, Division 1, except section 708.28(1), applies to a framework created by an arbitrator.

(43) Section 708.4 presently reads in part:

708.4(1) Where a framework is created by an arbitrator, the municipalities that are the parties to the framework must amend their bylaws, other than their land use bylaws, to be consistent with the framework.

(3) A municipality must not amend, repeal or revise its bylaws to be inconsistent with a framework to which it is a party or an order of an arbitrator applicable to it.

(b) in subsection (3) by striking out “order” and substituting “award”.

(44) Section 708.41 is amended in subsection (1) by striking out “order” and substituting “award”.

(45) The following is added after section 708.41:

Remuneration of experts

708.411 Where an arbitrator appoints an expert, the expert must be paid on a proportional basis by the municipalities that are or will be parties to the framework, with each municipality’s proportion of the costs to be determined in the same manner as is required under section 708.41(2) for an arbitrator.

Minister may make orders

708.412(1) Despite this Division or any arbitration occurring under this Division, the Minister may at any time make any order the Minister considers appropriate to further the development of a framework among 2 or more municipalities to carry out the purpose of this Part, including, without limitation, an order establishing a framework that is binding on the municipalities.

(2) If there is a conflict or inconsistency between an order made by the Minister under this section and an action taken by a municipality or a growth management board, the Minister’s order prevails to the extent of the conflict or inconsistency.

(46) Section 708.42 is repealed.

(44) Section 708.41(1) presently reads:

708.41(1) Subject to an order of the arbitrator or an agreement by the parties, the costs of an arbitrator under this Part must be paid on a proportional basis by the municipalities that are to be parties to the framework as set out in subsection (2).

(45) Remuneration of experts; Minister may make orders.

(46) Section 708.42 presently reads:

708.42 An order made by the arbitrator under section 708.36(1)(b) must be filed with the Minister within 7 days of being made.

(47) Section 708.43(1) is repealed and the following is substituted:

Measures to ensure compliance with award

708.43(1) If a municipality fails to comply with section 708.4(1), any other municipality that is or will be a party to the framework may apply to the Court of Queen's Bench for an order requiring that municipality to comply with section 708.4(1).

(48) The heading preceding section 708.44 and sections 708.44, 708.45 and 708.46 are repealed.

(47) Section 708.43(1) presently reads:

708.43(1) If a municipality fails to amend its bylaws to be consistent with the framework as required by section 708.4(1) within the time required by the regulations, one of the other municipalities that are parties to the framework may apply to the Court of Queen's Bench for an order requiring that municipality to comply with section 708.4(1).

(48) The heading preceding section 708.44 and sections 708.44, 708.45 and 708.46 presently read:

*Division 4
Resolving Disputes Under
Existing Framework*

708.44 In this Division, "decision maker" means a person appointed to make decisions under a binding dispute resolution process referred to in section 708.45.

708.45(1) Every framework must contain provisions respecting a binding dispute resolution process that meets the requirements of the regulations for resolving disputes with respect to

- (a) the interpretation, implementation or application of the framework, and*
- (b) any contravention or alleged contravention of the framework.*

(2) If a framework does not contain one or more of the provisions required by subsection (1), the framework is deemed to contain the model provisions prescribed by the regulations respecting any matter in respect of which the framework is silent.

708.46 If a municipality fails to comply with an order of a decision maker, one of the other municipalities that are parties to the framework may apply to the Court of Queen's Bench for an order directing the municipality to comply with the decision maker's order or restraining any conduct found by the Court to be in contempt of the decision maker.

(49) The heading preceding section 708.47 is repealed and the following is substituted:

**Division 3
General**

(50) The following is added after section 708.47:

Obligations continue during dispute

708.471 During a dispute in respect of a framework, the parties must continue to perform their obligations under the framework.

(51) Section 708.48 is amended

(a) by repealing subsection (1);

(b) by adding the following after subsection (3):

(4) Except as provided in this Part, every award of an arbitrator is final and binding on all parties to the award and shall not be questioned, reviewed or restrained by any proceeding in the nature of an application for judicial review or otherwise in any court.

(5) An award of an arbitrator may be reviewed by the Court of Queen's Bench on a question of jurisdiction only and the application for judicial review must be made within 60 days after the award is made.

(6) For the purposes of a judicial review, the arbitrator is considered to be an expert in relation to all matters over which the arbitrator has jurisdiction.

(7) A person making an application to the Court of Queen's Bench under this section must give the arbitrator notice of the application.

(52) Section 708.49 is amended by striking out "or of an arbitrator".

(49) The heading preceding section 708.47 presently reads:

*Division 5
General*

(50) Obligations continue during dispute.

(51) Section 708.48 presently reads in part:

708.48(1) In this section and section 708.49, “arbitrator” includes a decision maker under Division 4.

(3) The arbitrator must make the findings and determinations the arbitrator determines to be necessary to decide the matters referred to the arbitrator.

(52) Section 708.49 presently reads:

708.49 A person who wishes to have an order of the Minister or of an arbitrator under this Part declared invalid on any basis must make an application for judicial review within 60 days after the order is made.

(53) Section 708.5 is repealed.

(54) Section 708.52 is repealed and the following is substituted:

Regulations

708.52 The Lieutenant Governor in Council may make regulations

- (a) respecting a subsequent action before a court following a decision of an arbitrator;
- (b) defining any term or expression that is used in this Part but not defined in this Act;
- (c) respecting any other matter that the Lieutenant Governor in Council considers necessary or advisable to carry out the intent of this Part.

(53) Section 708.5 presently reads:

708.5 Except to the extent provided for in the regulations, the Arbitration Act does not apply to an arbitration conducted under this Part.

(54) Section 708.52 presently reads:

708.52 The Lieutenant Governor in Council may make regulations

- (a) respecting frameworks, including, without limitation, regulations respecting the provisions that must or may be included in a framework;*
- (b) respecting the process to be followed to create, amend or cancel a framework;*
- (c) respecting arbitration under Division 3, including, without limitation, regulations respecting
 - (i) the appointment of an arbitrator,*
 - (ii) the circumstances under which an arbitrator must create a framework,*
 - (iii) the powers, duties and functions of an arbitrator,*
 - (iv) the practice and procedures of an arbitrator,*
 - (v) the participation of municipalities in the arbitration process, and*
 - (vi) the criteria to be considered by an arbitrator in making an order under section 708.38(2);**
- (d) prescribing matters for the purposes of section 708.38(1)(f);*
- (e) respecting the time within which municipalities that are parties to a framework must amend their bylaws to be consistent with the framework;*
- (f) respecting the provisions required to be included in the binding dispute resolution process under Division 4, including, without limitation, regulations
 - (i) governing the dispute resolution process and the appointment of a decision maker,**

(55) Subject to subsections (56) and (57), this section has effect on January 1, 2020.

(56) Subsection (3) has effect on April 4, 2018.

(57) Subsections (18) and (23) come into force on Proclamation.

- (ii) *respecting the powers, duties and functions of a decision maker,*
 - (iii) *respecting the practice and procedures of a decision maker,*
 - (iv) *respecting the orders that a decision maker may issue, including orders*
 - (A) *requiring an amendment to a framework,*
 - (B) *requiring a municipality to cease any activity that is inconsistent with the framework,*
 - (C) *providing how a municipality's bylaws must be amended to be consistent with the framework, and*
 - (D) *providing for an award, which may include interest,*

and
 - (v) *respecting the costs, fees and disbursements incurred in respect of the binding dispute resolution process and who bears those costs;*
 - (g) *prescribing model provisions for the purposes of section 708.45(2);*
 - (h) *respecting a subsequent action before a court following a decision of an arbitrator or decision maker;*
 - (i) *defining any term or expression that is used in this Part but not defined in this Act;*
 - (j) *respecting the extent, if any, to which the Arbitration Act applies to an arbitrator under this Part;*
 - (k) *respecting any other matter that the Lieutenant Governor in Council considers necessary or advisable to carry out the intent of this Part.*
- (55) Coming into force.
- (56) Coming into force.
- (57) Coming into force.

**Persons with Developmental
Disabilities Foundation Act**

Repeals RSA 2000 cP-9

11 The *Persons with Developmental Disabilities Foundation Act* is repealed.

Safety Codes Act

Amends RSA 2000 cS-1

12(1) The *Safety Codes Act* is amended by this section.

(2) Section 65.1 is repealed.

Small Power Research and Development Act

Repeals RSA 2000 cS-9

13 The *Small Power Research and Development Act* is repealed.

An Act to Strengthen Municipal Government

Amends SA 2017 c13

14(1) *An Act to Strengthen Municipal Government* is amended by this section.

(2) Section 1 is amended

(a) by repealing subsection (55);

(b) in subsection (64) by striking out the new section 670.1.

Persons with Developmental Disabilities Foundation Act

11 Repeals chapter P-9 of the Revised Statutes of Alberta 2000.

Safety Codes Act

12(1) Amends chapter S-1 of the Revised Statutes of Alberta 2000.

(2) Section 65.1 presently reads:

65.1 A building that is 6 storeys or less in building height may be of wood construction if the building meets the requirements of this Act.

Small Power Research and Development Act

13 Repeals chapter S-9 of the Revised Statutes of Alberta 2000.

An Act to Strengthen Municipal Government

14(1) Amends chapter 13 of the Statutes of Alberta, 2017.

(2) Section 1 presently reads in part:

(55) Section 616 is amended by adding the following after clause (j):

(j.1) “joint use and planning agreement” means an agreement under section 670.1;

(64) The following is added after section 670:

670.1(1) Where on the coming into force of this section a school board is operating within the municipal boundaries of a municipality, the municipality must, within 3 years

after this section comes into force, enter into an agreement under this section with the school board.

(2) Where after the coming into force of this section a school board commences operating within the municipal boundaries of a municipality, the municipality must, within 3 years after the school board commences operating in the municipality, enter into an agreement under this section with the school board.

(3) An agreement under this section must contain provisions

- (a) establishing a process for discussing matters relating to
 - (i) the planning, development and use of school sites on municipal reserves, school reserves and municipal and school reserves in the municipality,*
 - (ii) transfers under section 672 or 673 of municipal reserves, school reserves and municipal and school reserves in the municipality,*
 - (iii) disposal of school sites,*
 - (iv) the servicing of school sites on municipal reserves, school reserves and municipal and school reserves in the municipality, and*
 - (v) the use of school facilities, municipal facilities and playing fields on municipal reserves, school reserves and municipal and school reserves in the municipality, including matters relating to the maintenance of the facilities and fields and the payment of fees and other liabilities associated with them,**
- (b) respecting how the municipality and the school board will work collaboratively,*
- (c) establishing a process for resolving disputes, and*
- (d) establishing a time frame for regular review of the agreement,*

and may, subject to this Act, the regulations, the School Act and the regulations under that Act, contain any other provisions the parties consider necessary or advisable.

(3) This section comes into force on Proclamation.

(4) More than one municipality may be a party to a joint use and planning agreement.

(5) A joint use and planning agreement may be amended from time to time as the parties consider necessary or advisable.

(3) Coming into force.

