

2020 Bill 13

Second Session, 30th Legislature, 69 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 13

EMERGENCY MANAGEMENT AMENDMENT ACT, 2020 (NO. 2)

THE MINISTER OF MUNICIPAL AFFAIRS

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 13

2020

EMERGENCY MANAGEMENT AMENDMENT ACT, 2020 (NO. 2)

(Assented to _____, 2020)

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

Amends RSA 2000 cE-6.8

1 The *Emergency Management Act* is amended by this Act.

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

- (2) For greater certainty, a reference in this Act to an order
 - (a) made under section 19(1) or (1.1) includes an order made by the Managing Director or any other person authorized to make that order under section 19(7), and
 - (b) made under section 24(1)(b) includes an order made by a person authorized by a local authority to make that order under section 24(1)(c).

3 Section 17 is amended by striking out “or” at the end of clause (b) and adding the following after clause (b):

- (b.1) fails to comply with an order made
 - (i) under section 19(1)(d), (e), (f), (j) or (k) or 24(1)(b) with respect to the matters referred to in section 19(1)(d), (e), (f), (j) or (k), or

Explanatory Notes

1 Amends chapter E-6.8 of the Revised Statutes of Alberta 2000.

2 Interpretive provision.

3 Section 17 presently reads in part:

17 Any person who

(b) fails to comply with an evacuation order, or

is guilty of an offence and liable to imprisonment for a term of not more than one year or to a fine of not more than \$10 000 or to both imprisonment and a fine.

(ii) under section 19(1.1),

or

4 Section 18(4)(a) is amended by striking out “pandemic influenza,” and substituting “pandemic.”

5 Section 19 is amended

(a) in subsection (1):

(i) in clause (d) by adding “or make an order to authorize or require” after “require”;

(ii) in clause (e) by adding “or make an order to control or prohibit” after “prohibit”;

(iii) in clause (f)

(A) by adding “or make an order to provide for” after “provide for”;

(B) by adding “or make an order to provide, maintain and co-ordinate” after “provide, maintain and co-ordinate”;

(iv) in clause (j) by adding “or make an order to procure or fix prices” after “procure or fix prices”;

(v) in clause (k) by adding “or make an order for the conscription” after “conscription”;

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

(1.1) In addition to any other orders the Minister is authorized to make under this Act, the Minister may make any order necessary, in the Minister’s opinion, to lessen the impact of the emergency.

4 Section 18(4)(a) presently reads:

(4) Unless continued by a resolution of the Legislative Assembly, an order under subsection (1) expires at the earlier of the following:

(a) at the end of 28 days, but if the order is in respect of a pandemic influenza, at the end of 90 days;

5 Section 19 presently reads in part:

19(1) On the making of the declaration and for the duration of the state of emergency, the Minister may do all acts and take all necessary proceedings including the following:

(d) authorize or require any qualified person to render aid of a type the person is qualified to provide;

(e) control or prohibit travel to or from any area of Alberta;

(f) provide for the restoration of essential facilities and the distribution of essential supplies and provide, maintain and co-ordinate emergency medical, welfare and other essential services in any part of Alberta;

(j) procure or fix prices for food, clothing, fuel, equipment, medical supplies, or other essential supplies and the use of any property, services, resources or equipment within any part of Alberta for the duration of the state of emergency;

(k) authorize the conscription of persons needed to meet an emergency.

(7) On the making of an order under section 18(1), the Minister may, by order, authorize the Managing Director or any other person to exercise some or all of the powers given to the Minister under subsection (1).

(8) The Regulations Act does not apply to an order made under subsection (1)(g).

- (c) **in subsection (7) by striking out “subsection (1)” and substituting “subsection (1) or (1.1)”;**
- (d) **in subsection (8) by striking out “subsection (1)(g)” and substituting “subsection (1)(d), (e), (f), (g), (j) or (k) or (1.1)”.**

6 Section 22(4) is amended by striking out “7 days” and substituting “at the end of 7 days, or at the end of 90 days if the declaration is in respect of a pandemic.”

7 Section 23.1 is amended by adding “and 199” after “196”.

8 Section 24 is amended by adding the following after subsection (1):

(1.01) Despite subsection (1)(b) and (c), the Minister may, by order, restrict, prohibit or terminate the exercise

- (a) by a local authority of any power given to the Minister under section 19(1) in relation to the part of the municipality affected by the declaration of a state of local emergency, or
- (b) by a person authorized by a local authority to exercise, in the operation of an emergency plan or program, any power given to the Minister under section 19(1) in relation to any part of the municipality affected by a declaration of a state of local emergency.

(1.02) The Minister may, by order, rescind, cancel or modify any bylaw enacted, resolution passed, action taken, order made or

6 Section 22(4) presently reads:

(4) A declaration of a state of local emergency lapses 7 days after its making by the local authority unless it is earlier cancelled by the Minister or terminated by the local authority or unless it is renewed by the local authority.

7 Section 23.1 presently reads:

23.1 Where the sole purpose of a meeting of a local authority is to pass a resolution referred to in section 21(1) or 23(1), the notice requirements in sections 194 to 196 of the Municipal Government Act do not apply.

8 Section 24 presently reads in part:

24(1) On the making of a declaration of a state of local emergency and for the duration of the state of local emergency, the local authority may do all acts and take all necessary proceedings including the following:

- (a) cause any emergency plan or program to be put into operation;*
- (b) exercise any power given to the Minister under section 19(1) in relation to the part of the municipality affected by the declaration;*
- (c) authorize any persons at any time to exercise, in the operation of an emergency plan or program, any power given to the Minister under section 19(1) in relation to any part of the municipality affected by a declaration of a state of local emergency.*

direction given by a local authority during a state of local emergency.

(1.03) The *Regulations Act* does not apply to an order made under subsection (1.01) or (1.02).

9 Section 27 is amended by striking out “section 19(1)(g)” and substituting “section 19(1)(d), (e), (f), (g), (j) or (k) or (1.1)”.

10 Section 28 is amended by striking out “section 19(1)(g)” and substituting “section 19(1)(d), (e), (f), (g), (j) or (k)”.

Related Amendment and Effective Date

Amends SA 2006 cP-3.5

11(1) The *Peace Officer Act* is amended by this section.

(2) Section 13(1.1) is amended by striking out “declaring the peace officers to have jurisdiction in any part of Alberta to which the declaration of a state of emergency or a state of public health emergency relates”.

Effective date

12 Section 11 has effect on March 17, 2020.

9 Section 27 presently reads:

27 No action lies against the Minister or a person acting under the Minister's direction or authorization for anything done or omitted to be done in good faith while carrying out a power or duty under this Act or the regulations, including a power or duty under section 19(1)(g) or 19.1 of this Act.

10 Section 28 presently reads:

28 No action lies against a local authority or a person acting under the local authority's direction or authorization for anything done or omitted to be done in good faith while carrying out a power or duty under this Act or the regulations including a power or duty under section 19(1)(g) or 19.1 or the exercise of the powers under section 24(1)(b) of this Act, during a state of local emergency.

Related Amendment and Effective Date

11(1) Amends chapter P-3.5 of the Statutes of Alberta, 2006.

(2) Section 13(1.1) presently reads:

(1.1) Where a state of emergency has been declared under section 18(1) of the Emergency Management Act or a state of public health emergency has been declared under section 52.1(1) of the Public Health Act, the Minister is not required to obtain the consent of peace officers and the peace officers' employers before making an order under subsection (1) declaring the peace officers to have jurisdiction in any part of Alberta to which the declaration of a state of emergency or a state of public health emergency relates.

12 Effective date.

RECORD OF DEBATE

Stage	Date	Member	From	To
		Questions and Comments	From	To
Stage	Date	Member	From	To
		Questions and Comments	From	To
Stage	Date	Member	From	To
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