

2025 Bill 50

First Session, 31st Legislature, 3 Charles III

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 50

MUNICIPAL AFFAIRS STATUTES AMENDMENT ACT, 2025

THE MINISTER OF MUNICIPAL AFFAIRS

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 50

2025

MUNICIPAL AFFAIRS STATUTES AMENDMENT ACT, 2025

(Assented to _____, 2025)

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

Local Authorities Election Act

Amends RSA 2000 cL-21

1(1) The *Local Authorities Election Act* is amended by this section.

(2) Section 1 is amended

- (a) in clause (e.1) by striking out “school board trustee” and substituting “trustee”;**
- (b) by repealing clause (k)(ii) and substituting the following:**
 - (ii) a school board;
- (c) by adding the following after clause (n):**
 - (n.01) “elector assistance terminal” means a ballot-marking machine that allows an elector to mark a ballot by an accessible means, including by use of Braille-coded keypad, touch screen, pressure-sensitive paddle or breath-enabled marking;
- (d) by adding the following after clause (r):**

Explanatory Notes

Local Authorities Election Act

1(1) Amends chapter L-21 of the Revised Statutes of Alberta 2000.

(2) Section 1 presently reads in part:

1 In this Act,

(e.1) “candidate” means, except in Part 5.1, an individual who has been nominated to run for election in a local jurisdiction as a councillor or school board trustee;

(k) “elected authority” means

(ii) a board of trustees under the Education Act;

(r.1) “local political party” means, subject to section 158.3(2), an organization one of whose fundamental purposes is to participate in public affairs by endorsing one or more candidates in a local jurisdiction and supporting their election;

(e) by adding the following after clause (t.1):

(t.11) “permanent electors register” means,

(i) in respect of a municipality, a permanent electors register prepared in accordance with section 49, and

(ii) in respect of a school division, that portion of each municipality’s permanent electors register that has an area in common with the school division;

(f) by adding the following after clause (w):

(w.01) “school board” means a board as defined in the *Education Act*;

(g) by adding the following after clause (x):

(x.1) “slate” has the meaning prescribed by regulation;

(h) by adding the following 20after clause (z.3):

(z.4) “trustee” means a member of a school board;

(3) Section 21(3) is amended by striking out “trustee of a board of a school division” and substituting “trustee of a school division”.

(4) Section 22 is amended

(a) by striking out “trustee of a board of a school division” wherever it occurs and substituting “trustee”;

(b) by striking out “school board trustee” wherever it occurs and substituting “trustee”.

(3) Section 21(3) presently reads:

(3) Notwithstanding subsection (1), a candidate for trustee of a board of a school division that is wholly or partly within the boundaries of a city is not required to be a resident of the ward in either a general election or a by-election, but must be a resident of the school division.

(4) Section 22 presently reads in part:

(1.1) A person is not eligible to be nominated as a candidate for election as a trustee of a board of a school division if on nomination day the person is employed by

(5) Section 24 is amended

- (a) in subsection (1) by striking out “a board of trustees under the *Education Act*” and substituting “a school board”;**

(1.11) A person is not eligible to be nominated as a candidate for election as a councillor or as a trustee of a board of a school division if on nomination day the person is employed by the Office of the Ombudsman unless the person takes a leave of absence under this section.

(1.2) A person is not eligible to be nominated as a candidate for election as a councillor or a school board trustee if

(1.3) Subsection (1.2) applies

(b) with respect to a candidate for election as a school board trustee, if a report has been transmitted under section 147.8(1)(b) respecting a campaign period beginning on or after January 1, 2019.

(1.4) A person is not eligible to be nominated as a candidate for election as a councillor or as a trustee of a board of a school division if, on or after the time the person gives written notice or was required to give written notice under section 147.22, the person uses or expends a contribution in contravention of section 147.23.

(3) Subsection (1)(b) to (d) do not apply to a candidate for election as a trustee of a board of a school division.

(5.1) A person employed by an entity referred to in subsection (1.1) who wishes to be nominated as a candidate for election as a trustee of a board of a school division may notify that person's employer on or after January 1 in the year of an election but before the person's last working day prior to nomination day that the person is taking a leave of absence without pay under this section.

(5.2) A person employed by the Office of the Ombudsman who wishes to be nominated as a candidate for election as a councillor or as a trustee of a board of a school division may notify that person's employer on or after January 1 in the year of an election but before the person's last working day prior to nomination day that the person is taking a leave of absence without pay under this section.

(5) Section 24 presently reads in part:

24(1) A person who held office on a board of trustees under the Education Act and

(b) by striking out “board of trustees” wherever it occurs and substituting “school board”.

(6) Section 27(2) is amended by striking out “a board of trustees under the *Education Act*” and substituting “a school board”.

(7) Section 32 is repealed and the following is substituted:

Withdrawal of nomination

32 An individual nominated as a candidate may, at any time during the nomination period or within 24 hours after the close of the nomination period, withdraw as a candidate for the office for which the candidate was nominated by filing a withdrawal in writing with the returning officer.

- (a) *who resigned that office to avoid making restitution for money the person received that disqualified the person from holding that office pursuant to this or any other Act and has been ordered by a judge to make restitution, or*
- (b) *who was declared by a judge to be disqualified to hold that office pursuant to this or any other Act,*

is not eligible to become a member of that board of trustees until after 2 general elections have occurred after the date on which the person was ordered to make restitution or was declared to be disqualified.

(2) Notwithstanding that a by-election or general election has been held between the time when the disqualification of the member or former member arose and the time when the order or declaration has been made by the judge, subsection (1) applies and, if the person was re-elected, the person is not eligible to remain a member of the board of trustees.

(6) Section 27(2) presently reads:

(2) Notwithstanding subsection (1), a municipality that is a local jurisdiction with a population of at least 10 000 or a board of trustees under the Education Act of a local jurisdiction with a population of at least 10 000 may, by a bylaw passed prior to December 31 of the year before a year in which a general election is to be held, specify the minimum number of electors required to sign the nomination of a candidate for an office, but that number must be at least 5 and not more than 100.

(7) Section 32 presently reads:

32(1) A person nominated as a candidate may withdraw as a candidate at any time during the nomination period.

(2) At any time within 24 hours after the close of the nomination period, if more than the required number of candidates for any particular office are nominated, any person so nominated may withdraw as a candidate for the office for which the candidate was nominated by filing with the returning officer a withdrawal in writing.

(8) Section 34(1) is repealed and the following is substituted:

Election by acclamation

34(1) If, 24 hours after the close of nominations, the number of candidates for an office is equal to the number of offices for which the election is held, the returning officer shall declare each of the candidates to be elected to the office for which they were nominated.

(9) The following is added after section 48:

Residency and voting in Jasper

48.1(1) This section applies to an election held in 2025 or 2026 in a local jurisdiction in the same area as the Municipality of Jasper.

(2) Notwithstanding anything in this Act, an individual is deemed to be a resident of the Municipality of Jasper for the purposes of sections 21, 27 and 47 to 49 if the individual makes a statement in accordance with subsection (3).

(3) For the purposes of this section, a statement must be in writing and signed by the individual and state that the individual

- (a) was a resident of the Municipality of Jasper on July 22, 2024,
- (b) continues to be displaced from the Municipality of Jasper as a result of the wildfire in 2024, and
- (c) intends to resume residence in the Municipality of Jasper as soon as is reasonably practicable.

(4) A statement referred to in subsection (2) must be submitted with a nomination if

- (a) an individual who is being nominated under section 27 is relying on the statement to establish the individual's qualifications in accordance with section 21, and
- (b) an individual who signs a nomination in accordance with section 27(1)(b) is relying on the statement to establish the individual's residency in the Municipality of Jasper.

(8) Section 34(1) presently reads:

34(1) When at the close of nominations the number of persons nominated for any office is the same as the number required to be elected, the returning officer shall declare the persons nominated to be elected to the offices for which they were nominated.

(9) Residency and voting in Jasper.

(5) Before opening a voting station in the Municipality of Jasper, the presiding deputy at the voting station must post a notice respecting the entitlement of electors to make a statement referred to in subsection (2) within each voting compartment and at a conspicuous location within the voting station, and the presiding deputy must ensure that the notice remains posted there until the voting station closes.

(6) Before issuing a ballot to an elector, a deputy must offer the elector an opportunity to make a statement referred to in subsection (2).

(7) Notwithstanding anything in this Act, if an elected authority has made a resolution under section 77.1(2) and an application is made for a special ballot, the returning officer or deputy who receives the application must provide the applicant with the following:

- (a) the forms referred to in section 77.1(3)(b);
- (b) a form containing the statements referred to in subsection (3)(a), (b) and (c) for the elector to complete;
- (c) sufficient instructional information on how to complete the form.

(10) Section 49 is amended

(a) by adding the following after subsection (7):

(7.1) Only a returning officer may use a permanent electors register and only as it relates to the exercise of a power or performance of a duty of a returning officer under this Act.

(b) by repealing subsection (8) and substituting the following:

(8) For greater certainty, a candidate, official agent or scrutineer shall not access or use the permanent electors register, including, without limitation, taking a photograph or making a copy of the register.

(11) The following is added after section 49:

(10) Section 49 presently reads in part:

(8) No candidate, official agent or scrutineer shall take a photograph or make a copy of the permanent electors register.

(11) Providing permanent electors register to elected authority.

Providing permanent electors register to elected authority

49.1 A municipality that prepares a permanent electors register in accordance with section 49 must, on request, provide a copy of the permanent electors register to another elected authority in the same area.

(12) Section 53 is amended by adding the following after subsection (4):

(4.1) Subsection (4) does not apply to a person whose residence is in a summer village that has not prepared a permanent electors register in accordance with section 49.

(13) The following is added after section 53.02:

Proof of elector eligibility in Jasper

53.03(1) This section applies to an election held in 2025 or 2026 in a local jurisdiction in the same area as the Municipality of Jasper.

(2) Notwithstanding section 53, a person who attends at a voting station in the Municipality of Jasper for the purpose of voting or submits an application for a special ballot under section 77.1(1.1) is permitted to vote if the person

- (a) makes a statement in accordance with section 48.1, and
- (b) produces one piece of identification issued by a Canadian government, whether federal, provincial or local, or an agency of that government, that contains a photograph of the individual.

(14) Section 69(5) is amended by striking out “section 53(1)(b) or (2) or 78” **and substituting** “section 48.1, 53(1)(b) or (2), 53.03(2)(a) or 78”.

(12) Section 53 presently reads in part:

(4) Notwithstanding subsection (1)(b)(ii), a person may validate the address of the person's residence if the person is accompanied by an elector who

- (a) validates the elector's identity and the address of the elector's residence in accordance with subsection (3), and*
- (b) vouches for the person in accordance with subsection (7).*

(13) Proof of elector eligibility in Jasper.

(14) Section 69(5) presently reads:

(5) The presiding deputy may designate the place or places at a voting station where a candidate, an official agent or a scrutineer of a candidate may observe the election procedure, and in designating the place or places, the presiding deputy shall ensure that the candidate, official agent or scrutineer can observe any person making a statement under section 53(1)(b) or (2) or 78.

(15) Section 77.1 is amended

(a) in subsection (2.4)(c) by striking out “trustee of a board of a school division” **and substituting** “trustee”;

(b) by adding the following after subsection (4):

(5) For greater certainty, this section does not apply to a summer village that has not prepared a permanent electors register in accordance with section 49.

(16) Section 78(1) is amended by striking out “an elector who is unable to vote in the usual manner” **and substituting** “an elector who is unable to vote in the manner prescribed by this Act and, if an elector assistance terminal is available, who does not elect to vote by that means”.

(17) Section 84 is repealed and the following is substituted:

Alternative voting equipment prohibited

84 Except as provided under section 84.1, the procedure for the taking or counting of votes in an election must not include voting machines, vote recorders, automated voting systems or tabulators.

Electoral assistance terminals

84.1(1) Subject to subsection (2), an elected authority may, by bylaw, provide for the taking of the vote of an elector who is unable to vote in the manner prescribed by this Act by means of an elector assistance terminal.

(2) A bylaw may only authorize the use of an elector assistance terminal if the elector assistance terminal

- (a) allows an elector to vote privately and independently,
- (b) is not part of or connected to the Internet or another electronic network,
- (c) creates a paper ballot that records the vote cast,
- (d) allows an elector to verify the elector’s vote before it is cast, without the assistance of another person, and

(15) Section 77.1(2.4)(c) presently reads:

(2.4) An application for a special ballot must include the following:

(c) school elector status, if the elector is voting for a trustee of a board of a school division;

(16) Section 78(1) presently reads:

78(1) The deputy, at the request of an elector who is unable to vote in the usual manner, shall mark the vote of that elector on the elector's ballot in the manner directed by that elector, and shall immediately deposit the ballot in the ballot box.

(17) Section 84 presently reads:

84 A local jurisdiction shall not provide for the taking or counting of votes by means of voting machines, vote recorders, automated voting systems or tabulators.

- (e) does not enable the choice of an elector to be made known to an election officer or scrutineer.

(3) A bylaw providing for the use of an elector assistance terminal in a general election must be passed prior to June 30 of the year in which a general election is to be held.

(4) A bylaw referred to in subsection (1) must

- (a) prescribe the form of the ballot,
- (b) prescribe directions for the use of the elector assistance terminal by an elector,
- (c) require that the elector assistance terminal be tested before the first elector uses the equipment to vote and after the last elector uses the equipment to vote, and
- (d) follow the provisions of this Act as nearly as possible.

(5) A paper ballot created by an elector assistance terminal must be retained and placed in the ballot box in the same manner as an ordinary ballot.

(6) If an elected authority passes a bylaw referred to in subsection (1), sections 38(2), 62 and 63 do not apply to the extent of any inconsistency with that bylaw.

(18) Section 98 is repealed and the following is substituted:

Reasons for preliminary recount

98(1) A returning officer may make a recount of the votes cast at one or more voting stations if any of the following apply:

- (a) the returning officer receives an application for a recount that provides grounds that the returning officer considers reasonable for alleging that the record of the result of the count of votes at a voting station is inaccurate from any of the following people:
 - (i) a candidate, an official agent or a scrutineer of a candidate recognized in accordance with section 69;

(18) Section 98 presently reads:

98(1) The returning officer may make a recount of the votes cast at one or more voting stations if

- (a) a candidate or an official agent or a scrutineer of a candidate recognized pursuant to section 69 or, in the case of a vote on a bylaw or question, a scrutineer appointed pursuant to section 70(1) shows grounds that the returning officer considers reasonable for alleging that the record of the result of the count of votes at any voting station is inaccurate,*
- (b) the returning officer considers that the number of*
 - (i) valid ballots objected to, or*
 - (ii) rejected ballots other than those on which no vote has been cast by an elector,*

- (ii) in the case of a vote on a bylaw or question, an official agent or a scrutineer appointed under section 70(1);
- (b) the returning officer considers that the number of either of the following was sufficient to affect the result of the election if they had not been objected to or rejected:
 - (i) valid ballots objected to;
 - (ii) rejected ballots other than those on which no vote has been cast by an elector;
- (c) the returning officer is of the opinion that there may have been an administrative or technical error that caused an error in the count of votes.

(2) An application for a recount under subsection (1)(a) must be made within 44 hours of the closing of the voting stations.

Recount on request

98.1(1) If a returning officer receives an application for a recount made in accordance with subsection (2), the returning officer shall make a recount of the votes cast at a voting station that is the subject of the application if the returning officer is satisfied that,

- (a) in the case of one office being filled, the difference between the number of valid ballots marked for the candidate with the highest number of votes and the number of valid ballots marked for the candidate with the 2nd highest number of votes is within 0.5% of the total number of valid ballots marked at the election for that office, or
- (b) in the case of more than one office being filled from a pool of candidates, the difference between the number of valid ballots marked for the candidate with the lowest sufficient number of votes to be declared elected to one of the offices and the number of valid ballots marked for the candidate with the highest insufficient number of votes to be declared elected is within 0.5% of the total number of valid ballots marked at the election for those offices.

was sufficient to affect the result of the election if they had not been counted or rejected, as the case may be, or

- (c) the returning officer is of the opinion that there may have been an administrative or technical error that may cause an error in the count of votes.*

(1.1) The returning officer shall make a recount of the votes cast at one or more voting stations if the returning officer receives an application for a recount under subsection (1.2) and the returning officer is satisfied that,

- (a) where one office is to be filled, the difference between the number of valid ballots marked for the candidate with the highest number of votes and the number of valid ballots marked for the candidate with the 2nd highest number of votes is within 0.5% of the total number of valid ballots marked at the election for that office, or*
- (b) where more than one office is to be filled from a pool of candidates, the difference between the number of valid ballots marked for the candidate with the lowest sufficient number of votes to be declared elected to one of the offices and the number of valid ballots marked for the candidate with the highest insufficient number of votes to be declared elected is within 0.5% of the total number of valid ballots marked at the election for those offices.*

(1.2) An application for a recount under subsection (1.1)

- (a) may only be made,*
 - (i) in an election for an office referred to in subsection (1.1)(a), by the candidate with the 2nd highest number of votes or the official agent for that candidate, or*
 - (ii) in an election for an office referred to in subsection (1.1)(b), by the candidate with the highest insufficient number of votes or the official agent for that candidate,*
- (b) may only be made*
 - (i) during the time specified in subsection (4), or*
 - (ii) within 48 hours after the statement of results is announced or posted in accordance with section 97(2),*

- (2) An application for a recount may only be made,
- (a) in the case of an election for an office referred to in subsection (1)(a), by the candidate with the 2nd highest number of votes or the official agent of that candidate, or
 - (b) in the case of an election for an office referred to in subsection (1)(b), by the candidate with the highest insufficient number of votes or the official agent of that candidate.
- (3) An application for a recount under subsection (1) must be made within 72 hours after the statement of results is announced or posted in accordance with section 97(2).

Recount process

98.2(1) If a returning officer conducts a recount under section 98 or 98.1, the returning officer shall,

- (a) at least 12 hours before conducting the recount, notify,
 - (i) in the case of an election other than a vote on a bylaw or question, each candidate who may be affected by the recount,
 - (ii) in the case of a vote on a bylaw or question, one scrutineer in support of the passage of the bylaw or voting in the affirmative on the question and one scrutineer in opposition to the passage of the bylaw or voting in the negative on the question, and
 - (iii) those officers that the returning officer considers necessary to assist in the recount,
 - (b) break the seal of the ballot box, and
 - (c) count the ballots contained in the ballot box in the same manner as the deputy presiding at the voting station is directed to do.
- (2) After conducting the recount, the returning officer who conducted it must
- (a) correct the ballot account, if necessary,

and

(c) must be made to the returning officer.

(2) If the returning officer makes a recount, the returning officer shall

(a) 12 hours before the recount, notify

(i) any candidates who may be affected by the recount or, in the case of a vote on a bylaw or question, one scrutineer in support of the passage of the bylaw or voting in the affirmative on the question and one scrutineer in opposition to the passage of the bylaw or voting in the negative on the question, and

(ii) those officers that the returning officer considers necessary to assist in the recount,

(b) break the seal of the ballot box, and

(c) proceed to count the ballots contained in it in the same manner as the deputy presiding at the voting station is directed to do.

(3) After the recount, the returning officer shall

(a) correct the ballot account if necessary,

(b) place in the ballot box all the documents contained in it at the time the returning officer broke the seal, and

(c) close the ballot box and seal it with the returning officer's seal.

(4) An application under this section may be made during the 44 hours immediately following the closing of the voting stations but may not be made afterwards.

(5) The returning officer shall complete the recount

(a) in the case of an election other than a vote on a bylaw or question, prior to the time set for the declaration of the results under section 97(2), or

(b) in the case of a vote on a bylaw or question, within 96 hours of the close of the voting stations on election day.

- (b) replace all the documents contained in the ballot box at the time the returning officer broke its seal, and
- (c) close the ballot box and seal it with the returning officer's seal.

(3) A returning officer must complete a recount under section 98,

- (a) in the case of an election other than a vote on a bylaw or question, before the time set for the statement of the results under section 97(2), or
- (b) in the case of a vote on a bylaw or question, within 96 hours of the close of the voting stations on election day.

(4) The returning officer must complete a recount under section 98.1 no later than 12 noon on the 5th day after the day the statement of results is posted under section 97(2).

(5) As soon as practicable on completion of a recount under section 98.1, the returning officer must comply with the requirements of section 97(3) and (4) in respect of the results of the recount.

(6) A declared vote under section 99 may only be counted at the recount of ballots only if the recount confirms the equality of votes among the same candidates as at the original count.

(7) If a recount results in an equality of votes that is different from the result of the original count and it is necessary to determine which candidate is elected, section 99 applies.

(8) If a returning officer determines that a recount will be made in a local jurisdiction that is divided into wards or divisions, the returning officer may determine the number of voting stations for which a recount is required in accordance with section 98 or 98.1, as the case may be.

(19) Section 147.1 is amended

- (a) in subsection (1)**

(6) A declared vote under section 99 at the original count of ballots shall be counted at the recount of ballots only if the recount confirms the equality of votes among the same candidates as at the original count.

(7) If the recount results in an equality of votes different from the result of the original count and it is necessary to determine which candidate is elected, section 99 applies.

(9) If a returning officer determines that a recount will be made in a local jurisdiction that is divided into wards or divisions, the returning officer may determine the number of voting stations for which a recount is required in accordance with subsection (1) or (1.1).

(19) Section 147.1 presently reads in part:

147.1(1) In this Part,

(a) “campaign expense” means any expense incurred, or non-monetary contribution received, by a candidate to the

- (i) in clause (a) by striking out “a candidate” wherever it occurs and substituting “a candidate, local political party or slate”;**
- (ii) in clause (b.1) by striking out “school board trustee” wherever it occurs and substituting “trustee”;**
- (iii) by repealing clause (c) and substituting the following:**
 - (c) “contribution” means, in respect of a candidate’s election campaign or a local political party, any money, personal property, real property or service provided without fair market value compensation from that candidate or local political party, but does not include a service provided by an individual who voluntarily performs the service and receives no compensation, directly or indirectly, for the service or time spent providing the service;
 - (c.1) “endorsed candidate” means a candidate whose endorsement by a local political party has been registered in accordance with the regulations;
- (iv) by repealing clause (f)(vi) and substituting the following:**
 - (vi) a school board,
- (b) in subsections (2) and (3) by striking out “a candidate” and substituting “a candidate or a local political party”.**

(20) Section 147.12 is amended by striking out “trustee of a school board” and substituting “trustee”.

extent that the property or service that the expense was incurred for, or that was received as a non-monetary contribution, is used to directly promote or oppose a candidate during a campaign period, and includes an expense incurred for, or a non-monetary contribution in relation to,

(b.1) “candidate” means

(i) *an individual who has been nominated to run for election in a local jurisdiction as a councillor or school board trustee, and*

(ii) *an individual who intends to be nominated to run for election in a local jurisdiction as a councillor or as a school board trustee that has given written notice in accordance with section 147.22;*

(c) *“contribution” means any money, personal property, real property or service that is provided to or for the benefit of a candidate’s election campaign without fair market value compensation from that candidate, but does not include a service provided by an individual who voluntarily performs the services and receives no compensation, directly or indirectly, in relation to the services or time spent providing the services;*

(f) “prohibited organization” means

(vi) *a board of trustees under the Education Act,*

(2) *The value of a contribution, other than money, provided to a candidate is the fair market value of the contribution at the time it is provided.*

(3) *If any personal property, real property or service or the use of personal property or real property is provided to a candidate for a price that is less than the fair market value at the time it is provided, the amount by which the value exceeds the price is a contribution for the purposes of this Part.*

(20) Section 147.12 presently reads:

147.12 This Part applies to candidates for election as a councillor in a municipality or as a trustee of a school board.

(21) Section 147.13(2) is amended by striking out “Every candidate and every person acting on behalf of a candidate” **and substituting** “A candidate, a local political party and a person acting on behalf of a candidate or a local political party”.

(22) Section 147.2 is amended

(a) in subsection (2)

(i) by striking out “contributions by an individual” **and substituting** “contributions to a candidate by an individual”;

(ii) in clauses (b) and (c) by striking out “school board trustee” **and substituting** “trustee”;

(b) in subsection (3)(b) and (c) by striking out “school board trustee” **and substituting** “trustee”.

(23) The following is added after section 147.24:

Transfers between local political parties and candidates

147.25(1) Notwithstanding anything in this Act, a local political party and an endorsed candidate of the local political party may transfer to or accept from each other

(a) money or real property, including permitting the use of real property for the other’s benefit, or

(21) Section 147.13(2) presently reads:

(2) Every candidate and every person acting on behalf of a candidate shall make every reasonable effort to advise prospective contributors of the provisions of this Part relating to contributions.

(22) Section 147.2 presently reads in part:

(2) Subject to subsection (4), contributions by an individual ordinarily resident in Alberta shall not exceed, in the case of a general election, in a calendar year during the campaign period, or, in the case of a by-election, during the campaign period,

(b) \$5000 in the aggregate to all candidates for election as a school board trustee of a particular public school division under the Education Act, and

(c) \$5000 in the aggregate to all candidates for election as a school board trustee of a particular separate school division under the Education Act.

(3) Contributions by a corporation other than a prohibited organization, by an Alberta trade union or by an Alberta employee organization shall not exceed during the campaign period

(b) \$5000 in the aggregate to all candidates for election as a school board trustee of a particular public school division under the Education Act, and

(c) \$5000 in the aggregate to all candidates for election as a school board trustee of a particular separate school division under the Education Act.

(23) Transfers between local political parties and candidates.

(b) a debt incurred during a campaign period for the purpose of eliminating a deficit referred to in section 147.52(1).

(2) Notwithstanding anything in this Act, a local political party and an endorsed candidate of the local political party may transfer to and accept from each other goods or services, including the use of goods or services.

(3) A transfer under subsection (1) or (2) is not a contribution or a campaign expense under this Act.

(4) The source and amount of a transfer referred to in subsection (1) must be recorded, and any funds accepted must be deposited into a campaign account.

(5) The source and amount of a transfer referred to in subsection (2) must be recorded.

(6) A transfer referred to in subsection (1) or (2) must be recorded,

(a) in respect of a candidate, in a disclosure statement required by section 147.4, and

(b) in respect of a local political party, in a disclosure statement required by section 22 of the *Local Political Parties and Slates Regulation* (AR 170/2024).

(24) Section 147.8(1)(b) is amended by striking out “school board trustees” and substituting “trustees”.

(25) Section 158.3(1) is repealed.

(24) Section 147.8(1)(b) presently reads:

147.8(1) Subject to section 147.7, if a candidate fails to file a disclosure statement as required by section 147.4

(b) in the case of an election of school board trustees, the secretary of the school board shall transmit a report to that effect to the school board, which shall on its receipt make the report public.

(25) Section 158.3(1) presently reads:

158.3(1) Subject to subsection (2) and the regulations, in this section and in sections 160.1 and 160.2,

(a) “local political party” means an organization one of whose fundamental purposes is to participate in public affairs by

Municipal Government Act

Amends RSA 2000 cM-26

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

(2) Section 145 is amended

(a) in subsection (1) by striking out “A council may” and substituting “Subject to an order made under subsection (4) and to subsections (7) and (9), a council may”;

(b) in subsection (3) by striking out “Where a council” and substituting “Subject to an order made under subsection (4) and to subsections (7), (9) and (12), where a council”;

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

(4) The Minister may, by order,

- (a) establish procedures for council and council committee meetings,**
- (b) amend the procedures referred to in clause (a), and**
- (c) specify matters relating to procedures for council and council committee meetings that may not be included in a bylaw.**

(5) As soon as practicable after making an order under subsection (4), the Minister must make the order publicly available on the website of the Minister’s department.

(6) The *Regulations Act* does not apply to an order made under subsection (4).

(7) If the Minister makes an order under subsection (4), a council may, by bylaw, provide for

endorsing one or more candidates in a local jurisdiction and supporting their election;

(b) *“slate” means slate as defined in the regulations.*

Municipal Government Act

2(1) Amends chapter M-26 of the Revised Statutes of Alberta 2000.

(2) Section 145 presently reads in part:

145(1) A council may, by bylaw, establish the procedures to be followed by the council.

(3) Where a council establishes a council committee or other body, the council may, by bylaw, establish the functions of the committee or body and the procedures to be followed by it.

- (a) procedures for council and council committee meetings in addition to those established under that order, and
- (b) matters relating to those procedures other than matters specified by that order that may not be included in a bylaw.

(8) If there is a conflict or inconsistency between an order made under subsection (4) and a bylaw referred to in subsection (7), the bylaw is of no force and effect to the extent of the conflict or inconsistency in respect of any procedures for council or committee meetings established or matters specified under that order.

(9) A council may not make a bylaw or a resolution under this Act that addresses the behaviour or conduct of councillors or of members of council committees who are not councillors.

(10) A bylaw or any portion of a bylaw or a resolution or any portion of a resolution passed by a municipality prior to the coming into force of this subsection that provides for a code of conduct for councillors or members of council committees who are not councillors or addresses the behaviour or conduct of those councillors or members and that was in effect immediately before the coming into force of this subsection is repealed on the coming into force of this subsection.

(11) A council must update its bylaws respecting procedures for council and council committee meetings, if any, within 6 months of the date of an order made under subsection (4) to accord with that order.

(12) An order made under subsection (4) does not apply to a board or other body established by a council under this Act.

(3) Part 5, Division 1.1 and sections 153(e.1) and 153.1 are repealed.

(3) Part 5, Division 1.1 and sections 153(e.1) and 153.1 presently read:

*Division 1.1
Codes of Conduct*

146.1(1) A council must, by bylaw, establish a code of conduct governing the conduct of councillors.

(2) A code of conduct under subsection (1) must apply to all councillors equally.

(4) Section 172.2 is repealed and the following is substituted:

No review of councillor's decision

172.2 If a councillor decides to take or not to take any or all of the actions in section 172.1(2), that decision is not to be considered during any hearing respecting the potential disqualification of the councillor.

(3) A council may, by bylaw, establish a code of conduct governing the conduct of members of council committees and other bodies established by the council who are not councillors.

(4) A councillor must not be disqualified or removed from office for a breach of the code.

(5) The Minister may make regulations

- (a) respecting matters that a code of conduct established under subsection (1) must address;*
- (b) respecting the date by which councils must establish a code of conduct under subsection (1);*
- (c) respecting sanctions to be imposed for a breach of a code of conduct established under subsection (1);*
- (d) respecting matters that a council must take into consideration in establishing a code of conduct under subsection (1) or (3), or both;*
- (e) respecting implementation of a code of conduct established under subsection (1) or (3), or both;*
- (f) respecting any other matter the Minister considers necessary or advisable to carry out the intent and purpose of this Division.*

153 Councillors have the following duties:

(e.1) to adhere to the code of conduct established by the council under section 146.1(1);

153.1 Where the chief administrative officer or a person designated by the chief administrative officer provides information referred to in section 153(d) to a councillor, the information must be provided to all other councillors as soon as is practicable.

(4) Section 172.2 presently reads:

172.2 If a councillor decides to take or not to take any or all of the actions in section 172.1(2), that decision is not to be considered during

(5) The following is added after section 179.1:

Regulations

179.2 The Lieutenant Governor in Council may make regulations defining “public interest” for the purposes of this Division.

(6) Section 185.1(1) is amended by striking out “Despite” and substituting “Subject to an order made under section 145(4) and despite”.

(7) Section 201.1(1)(a)(iv) is repealed.

(8) Section 205 is amended

- (a) *any hearing respecting the potential disqualification of the councillor, or*
- (b) *the process established by bylaw pursuant to section 146.1 to determine the validity of a complaint alleging a breach of the code of conduct by the councillor.*

(5) Regulations.

(6) Section 185.1(1) presently reads:

185.1(1) Despite sections 185 and 197, at a meeting at which a council

- (a) *establishes a council committee or other body under section 145, or*
- (b) *appoints a chief elected official under section 150,*

a secret ballot must be held if requested by any councillor present at the meeting.

(7) Section 201.1(1)(a)(iv) presently reads:

201.1(1) A municipality, in accordance with the regulations, must offer, and each councillor must attend, orientation training

- (a) *on the following topics, to be held prior to or on the same day as the first organizational meeting following a general election required by section 192, or in the case of a councillor elected at a by-election, on or before the day that councillor takes the oath of office:*
 - (iv) *the municipality's code of conduct;*

(8) Section 205 presently reads in part:

- (a) in subsection (2) by striking out “one or more persons” and substituting “one person”;
- (b) by repealing subsection (3).

(9) Section 206 is amended by adding the following after subsection (1):

(1.1) A council may not pass a bylaw that varies the requirement of a majority referred to in subsection (1).

(1.2) Any provision in a bylaw that varies the requirement of a majority referred to in subsection (1) is repealed on the coming into force of subsection (1.1).

(10) Section 208 is amended by adding the following after subsection (2):

(3) The chief administrative officer must report to council in writing within 72 hours after the chief administrative officer exercises the municipality’s natural person powers under section 202(1).

(11) The following is added after section 208:

Duty to provide information to councillor

208.1(1) Subject to subsection (2) and the regulations, if any, where a councillor requests information referred to in section 153(d) from the chief administrative officer or a person designated by the chief administrative officer, the chief administrative officer or a person designated by the chief administrative officer must provide the information as soon as is practicable.

(2) Where the requested information is personal or confidential information, the chief administrative officer or a person designated by the chief administrative officer may refuse to provide the information after considering the following factors:

- (a) whether the information is required by the councillor to perform the councillor’s duties under this Act;

(2) Every council must appoint one or more persons to carry out the powers, duties and functions of the position of chief administrative officer.

(3) If more than one person is appointed, the council must by bylaw determine how the powers, duties and functions of the position of chief administrative officer are to be carried out.

(9) Adds prohibition on bylaw changing voting majority re chief administrative officers.

(10) Adds duty to report for chief administrative officer.

(11) Duty to provide information to councillor.

- (b) whether a public body would be authorized or required to disclose the information if it were contained in a record requested under section 7(1) of the *Freedom of Information and Protection of Privacy Act*;
- (c) if the information is personal information, whether the use or disclosure of the information is authorized by the *Freedom of Information and Protection of Privacy Act*;
- (d) any other relevant factor;
- (e) any additional factors set out in the regulations.

(3) Where the chief administrative officer or a person designated by the chief administrative officer provides information referred to in section 153(d) to a councillor, the chief administrative officer or a person designated by the chief administrative officer must provide the information to all other councillors within 72 hours of the information being provided to the councillor.

(4) The chief administrative officer or a person designated by the chief administrative officer must provide reasons to all councillors for refusing to provide the information requested under subsection (1).

(5) The Minister may make regulations respecting

- (a) procedures for the provision of information referred to in section 153(d) to a councillor under this section;
- (b) additional factors for the purposes of subsection (2)(e).

(12) Section 423(1)(e.1) is amended by striking out “section 3.1(6)(f)(iv)” and substituting “section 3(1.2), 3.01(4) or 3.1(5)”.

(13) Section 575(2) is amended by striking out “and” at the end of clause (a) and by adding the following after clause (b):

- (c) the official administrator

(12) Section 423(1)(e.1) presently reads:

423(1) A person who purchases a parcel of land at a public auction acquires the land free of all encumbrances, except

(e.1) a caveat that, pursuant to section 3.1(6)(f)(iv) of the New Home Buyer Protection Act, remains registered against the certificate of title to the land,

(13) Section 575(2) presently reads:

(2) So long as the appointment of an official administrator under this section continues,

- (i) must be notified by council of any regularly scheduled or special council meetings,
- (ii) may be present during all meetings of council that are closed to the public except where matters subject to legal privilege are being discussed,
- (iii) may direct the municipality to provide a copy of any records, except records subject to legal privilege, in the municipality's possession to the official administrator within the time specified by the official administrator, and
- (iv) must sign or authorize agreements, cheques and other negotiable instruments of the municipality or council in addition to the person signing or authorizing those agreements, cheques and other negotiable instruments under section 213(4).

(14) The following is added after section 603.01:

Regulations

603.02 The Lieutenant Governor in Council may make regulations defining "policy of the Government" for the purposes of section 603.01(e).

(15) Section 616 is amended by adding the following after clause (bb):

- (bb.1) "school building project" has the same meaning as in the *Education Act*;
- (bb.2) "school division" has the same meaning as in the *Education Act*;

(16) Section 625 is amended

(a) in subsection (3) by striking out "The bylaw" and substituting "Subject to subsection (3.1), the bylaw";

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

(3.1) Neither an order made under section 145(4) nor section 145(7) apply in respect of the requirement in subsection (3)(a)

- (a) *no bylaw or resolution that authorizes the municipality to incur a liability or to dispose of its money or property has any effect until the bylaw or resolution has been approved in writing by the official administrator, and*
- (b) *the official administrator may at any time within 30 days after the passing of any bylaw or resolution disallow it, and the bylaw or resolution so disallowed becomes and is deemed to have always been void.*

(14) Regulations.

(15) Adds definitions to Part 17.

(16) Section 625 presently reads in part:

(3) The bylaw establishing a municipal planning commission and the agreement establishing an intermunicipal planning commission must

- (a) *provide for the applicable matters described in section 145(3),*

to provide for meeting procedures as an applicable matter described in section 145(3).

(17) Section 648(1.2) is repealed and the following is substituted:

(1.2) A bylaw may not impose an off-site levy on land required for a school building project that is

- (a) owned by a school board, or
- (b) leased to a school board in accordance with section 187.1(4)(b) of the *Education Act*.

(18) Section 674 is amended

- (a) in subsection (1) by striking out “Before” and substituting “Subject to subsection (1.1), before”;**
- (b) by adding the following after subsection (1):**

(1.1) Subsection (1)(a) does not apply in respect of a parcel of land that is the subject of a transfer of ownership to the Crown under section 187.1(1) of the *Education Act*.

(19) Section 708.26(1) is amended by adding the following after clause (b):

- (b.1) “mandatory service” means a mandatory service referred to in section 708.29(1.1).

(20) Section 708.28 is amended by adding the following after subsection (1):

(1.1) Subject to subsections (1.2) and (1.3), subsection (1) does not apply to municipal districts with common boundaries if they determine and agree that they do not require a framework.

- (b) *prescribe the functions and duties of the commission, including but not limited to subdivision and development powers and duties, and*
- (c) *in the case of an intermunicipal planning commission, provide for its dissolution.*

(17) Section 648(1.2) presently reads:

(1.2) A bylaw may not impose an off-site levy on land owned by a school board that is to be developed for a school building project within the meaning of the Education Act.

(18) Section 674 presently reads in part:

674(1) Before any of the following occurs, a public hearing must be held in accordance with section 216.4 and advertised in accordance with section 606

- (a) *the sale, lease or other disposal of*
 - (i) *municipal reserve, community services reserve or municipal and school reserve by a council, or*
 - (ii) *municipal and school reserve by a council and a school board;*

(19) Adds definition to Part 17.2.

(20) Section 708.28 presently reads in part:

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.

(1.2) A municipal district referred to in subsection (1.1) may revoke its agreement at any time by giving written notice to the other municipal district or municipal districts, and where that notice is given, the municipal districts must comply with subsection (1) within one year from the date of the notice.

(1.3) The municipal districts referred to in subsection (1.1) must review all existing agreements between them prior to determining and agreeing that a framework is not required.

(1.4) A municipal district that under subsection (1.1) does not enter into a framework must

- (a) adopt a resolution that intermunicipal services have been and will continue to be adequately provided by other means,
- (b) notify the Minister of its decision not to enter into a framework by sending a copy of the resolution to the Minister, and
- (c) publish, on the municipal district's website, the reasons for not having a framework.

(21) Section 708.29 is amended

(a) by adding the following before subsection (1):

Contents of framework

708.29(0.1) In this section,

- (a) “costs for intermunicipal services” means operating, capital and other non-operating costs required to deliver the services;
- (b) “third-party services” means services provided by a third party that is
 - (i) a corporation independent from the municipalities to whom the services are provided, and
 - (ii) the only services provider authorized under an enactment to provide the services it provides in or to the municipalities that are parties to a framework.

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

(21) Section 708.29 presently reads in part:

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.

(1.1) The content of the framework required under subsection (1) must address the provision of the following mandatory services:

- (a) transportation;
- (b) water and wastewater;
- (c) solid waste;
- (d) emergency services;
- (e) recreation.

(1.2) Municipalities may include additional services in the framework, other than third-party services.

(1.3) Where section 708.34(a) or (b) applies to municipalities because of a matter other than a matter regarding a mandatory service, the municipalities must create a framework in accordance with this Part that addresses mandatory services.

(1.4) Municipalities may establish in a framework a cost calculation model respecting the costs for intermunicipal services.

(1.5) Each municipality in a framework must disclose to the others any information, data or assumptions it is relying on in arriving at its proposal for a cost calculation model.

(1.6) Subject to the regulations and subsection (1.7), capital costs may be included in a framework.

(1.7) The capital costs for a new facility providing mandatory services may only be included in a framework if, by a prior agreement, all municipalities that are party to the framework have participated in the design of and decision to construct the facility.

(1.8) The prior agreement referred to in subsection (1.7) must contain provisions reflecting that the municipalities have addressed and agreed to the nature of the participation of each municipality in the decision to design and construct the facility.

(1.9) Subsection (1.7) applies to frameworks entered into after the coming into force of that subsection.

(1.91) The Minister may make regulations relating to the inclusion of capital costs in a framework.

(22) Section 708.33 is amended

(a) by adding the following before subsection (1):

Method of creating framework

708.33(0.1) In this section, “act in good faith” means to

- (a) act honestly, respectfully and reasonably,
- (b) communicate appropriately,
- (c) share necessary information,
- (d) meet through authorized representatives, and
- (e) be willing and prepared to discuss all issues and explain all rationale.

(b) in subsection (3) by striking out “negotiate” and substituting “act”.

(23) Section 708.34 is amended

(a) in clause (a) by adding “because of a matter to be resolved regarding a mandatory service,” before “the municipalities”;

(b) in clause (b) by adding “because of a matter to be resolved regarding a mandatory service,” after “section 708.32.”;

(c) in clause (c)(iii) by adding “because of a matter to be resolved regarding a mandatory service,” before “have been unsuccessful”.

(22) Section 708.33 presently reads in part:

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.

(3) In creating or reviewing a framework, the municipalities must negotiate in good faith.

(23) Section 708.34 presently reads in part:

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,

(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, or

(c) the municipalities

(iii) have been unsuccessful in resolving the dispute within one year after starting the dispute resolution process.

(24) Section 708.35(1) is amended by adding “because of a matter to be resolved regarding a mandatory service” after “applies”.

(25) Section 708.36(7) is amended by adding the following after clause (d):

- (d.1) that negates a matter, in relation to the award, that the municipalities have agreed to, unless that matter is beyond the municipalities’ jurisdiction,
- (d.2) that addresses a matter not previously discussed by the municipalities,

(26) Section 708.4(1) is repealed and the following is substituted:

Municipalities must adopt framework and amend bylaws

708.4(1) Where an arbitrator makes an award respecting a framework,

- (a) the arbitrator must ensure the preparation of the framework that reflects or incorporates the award and submit it to the municipalities within 30 days after the award is finalized, and
- (b) the municipalities are bound by the award and must, within 60 days after the date the arbitrator submits the framework to the municipalities, adopt the framework in accordance with the award.

(1.01) The arbitrator must provide a copy of the award and the framework to the Minister within 30 days after the award is finalized.

(27) Section 708.41 is amended by adding the following after subsection (2):

(3) If a municipality fails to pay its proportion of the arbitrator’s costs, the Minister may order the municipality to pay its proportion of the costs.

(24) Section 708.35(1) presently reads:

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

(25) Section 708.36(7) presently reads in part:

(7) An arbitrator must not make an award

(d) that is contrary to an intermunicipal development plan under Part 17 or a growth plan,

(26) Section 708.4(1) presently reads:

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.

(27) Section 708.41 presently reads in part:

(2) Each municipality's proportion of the costs must be determined by dividing the amount of that municipality's equalized assessment by the sum of the equalized assessments of all of the municipalities as set out in the most recent equalized assessment.

(4) If the municipality fails to comply with the Minister's order under subsection (3), the Minister may take any measure set out in section 708.43(3) and shall provide reasons to the municipality for taking any of the measures.

(28) Section 708.43 is amended

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

(2) If the Minister considers that a municipality has not complied with a framework or award or has not adopted a framework that reflects an arbitrator's award that is binding on the municipality, the Minister may take any necessary measure to ensure that the municipality complies with the framework or award or adopts the framework.

(b) in subsection (3)

(i) **by repealing** "all necessary measures includes, without limitation," **and substituting** "necessary measures include";

(ii) by adding the following after clause (d):

(d.1) imposing a framework on the municipality reflecting the arbitrator's award;

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

(4) The Minister shall provide reasons to the municipality for any measures taken by the Minister under subsection (2).

(29) Section 708.52 is amended by adding the following after clause (a):

(a.1) respecting the implementation of a framework adopted as a result of arbitration under Division 2;

(30) The following is added after section 708.52:

Ministerial orders

708.53(1) Subject to any regulations made under section 708.52(c), the Minister may make an order providing for any other matter that the Minister considers necessary or advisable for

(28) Section 708.43 presently reads in part:

(2) If the Minister considers that a municipality has not complied with a framework, the Minister may take any necessary measures to ensure that the municipality complies with the framework.

(3) In subsection (2), all necessary measures includes, without limitation, an order by the Minister

(d) withholding money otherwise payable by the Government to the municipality pending compliance with an order of the Minister;

(29) Adds regulation-making authority.

(30) Ministerial orders.

carrying out the intent of this Part, including for the implementation of a framework.

(2) If the Minister makes an order to a municipality under subsection (1) and the municipality does not comply with that order, the Minister may take any necessary measure set out in section 708.43(3) to ensure that a municipality complies with the order.

(3) If the Minister takes any necessary measure set out in section 708.43(3), the Minister shall provide reasons to the municipality for taking the measure.

(31) Where a complaint against

- (a) a councillor under a code of conduct established under section 146.1(1) as that provision read immediately before the coming into force of subsection (3), or
- (b) a member of a council committee who is not a councillor under a code of conduct established under section 146.1(3) as that provision read immediately before the coming into force of subsection (3)

is not concluded, that complaint is terminated.

(32) Where a sanction has been imposed under a code of conduct referred to in subsection (31) for a breach of the code of conduct and that sanction is not concluded, that sanction is terminated.

(33) Subsection (12) comes into force on Proclamation.

(34) Subsections (15), (17) and (18) come into force on the coming into force of the *Appropriation Act, 2025*.

New Home Buyer Protection Act

Amends SA 2012 cN-3.2

3(1) The *New Home Buyer Protection Act* is amended by this section.

(2) Section 1 is amended

- (a) in subsection (1)

(31) Termination of complaint under code of conduct.

(32) Termination of sanction under code of conduct.

(33) Coming into force.

(34) Coming into force.

New Home Buyer Protection Act

3(1) Amends chapter N-3.2 of the Statutes of Alberta, 2012.

(2) Section 1 presently reads in part:

1(1) In this Act,

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

(g.01) “building permit” means a building permit issued under the *Safety Codes Act*;

(ii) in clause (q) by striking out “statute” and substituting “Act”;

(b) by repealing subsection (2).

(3) Section 1.1 is amended

(a) in subsection (1) by striking out “subsections (3) and (4)” and substituting “subsections (3), (4) and (6)”;

(b) in subsection (2) by striking out “subsection (5)” and substituting “subsections (5) and (6)”;

(c) in subsection (6) by striking out “Subsections (1) and (2)” and substituting “Despite section 2, subsections (1) and (2)”.

(4) Section 3 is amended

(a) in subsection (1)

(i) by repealing clause (a)(ii) and substituting the following:

(ii) except as authorized under subsection (1.1), has the required home warranty coverage,

(ii) in clause (b) by striking out “subsection (7)(a) and (b)” and substituting “subsection (7)”;

(b) by repealing subsection (1.1) and substituting the following:

(q) “Minister” means the Minister determined under section 16 of the Government Organization Act as the Minister responsible for this statute;

(2) In this Act,

(a) a reference to “this Act” includes the regulations made under this statute;

(b) a reference to “this statute” does not include the regulations made under this statute.

(3) Section 1.1 presently reads in part:

1.1(1) Subject to subsections (3) and (4), the protection period in the case of a new home other than common property or common facilities is,

(2) Subject to subsection (5), the protection period in the case of common property or common facilities in a building is the 10-year period beginning when the title to an inhabitable unit in the building or in a building in a phase of development of a condominium is transferred from a residential builder to a purchaser of a unit in an arm’s length transaction.

(6) Subsections (1) and (2) apply only to new homes constructed under a building permit applied for on or after August 1, 2014.

(4) Section 3 presently reads in part:

3(1) No person shall build a new home unless

(a) the new home

(ii) is covered by a home warranty insurance contract that complies with subsection (6),

and

(b) the person has been offered the option to purchase the additional coverage referred to in subsection (7)(a) and (b).

(1.1) Despite subsection (1)(a)(ii) but subject to any regulations under section 28(1)(h.2), the Registrar may issue, on any terms and conditions the Registrar considers appropriate, an authorization

(1.1) Subject to the regulations made under section 28(1)(h.2), the Registrar may, in an authorization issued under section 5 to an owner builder in respect of a new home, authorize the owner builder to build the new home without having the required home warranty coverage.

(1.2) On issuing an authorization in accordance with subsection (1.1), the Registrar must, as soon as practicable, register a caveat against the certificate of title to the land on which the new home is to be constructed that provides notice that the new home does not have the required home warranty coverage.

(1.3) For the purpose of registering a caveat referred to in subsection (1.2) under the *Land Titles Act*, the Registrar is considered to have a claim to an interest in the land that is to be subject to the caveat.

(1.4) Sections 136, 137 and 138 of the *Land Titles Act* do not apply to a caveat referred to in subsection (1.2).

(1.5) Section 3.1(6) applies, with necessary modifications, to a caveat referred to in subsection (1.2).

(1.6) A caveat referred to in subsection (1.2) may only be discharged in accordance with section 3.02.

(c) by repealing subsection (2);

(d) in subsections (3) and (4) by striking out “coverage” wherever it occurs and substituting “the required home warranty coverage”;

(e) by repealing subsection (5).

that authorizes the owner builder to build the new home without having a home warranty insurance contract.

(2) Subject to subsection (5), a person shall not sell or offer to sell a new home while the new home is being constructed or during the protection period unless

- (a) the new home has the required home warranty coverage for the protection period or the balance of the protection period, as the case may be, and*
- (b) the person provides the prospective owner of the new home with a disclosure notice in respect of the home warranty coverage described in clause (a) in a form satisfactory to the Registrar.*

(3) Other than for the common property and common facilities in a building,

- (a) for a new home constructed by a residential builder on land owned by the residential builder, where there is a transfer of title to the land by the residential builder to the owner, coverage begins on the date the protection period begins under section 1.1(1)(a),*
- (b) for a new home constructed by a residential builder or an owner builder on land owned by the owner or the owner builder prior to permit issuance, coverage begins on the date the protection period begins under section 1.1(1)(b), and*
- (c) for a new home constructed by a residential builder on land not owned by the owner, where there is no transfer of title to the land by the residential builder to the owner, coverage begins on the date the protection period begins under section 1.1(1)(c).*

(4) With respect to the common property and common facilities in a building, coverage begins on the date the protection period begins under section 1.1(2).

(5) The Registrar may

- (a) exempt a person from the requirements of subsection (2) if the Registrar is satisfied, on application by the person, that the person would suffer undue hardship if the exemption were not granted, and may impose terms and conditions on the exemption, and*

(5) The following is added after section 3:

No sale of new home without warranty coverage or exemption

3.01(1) A person must not sell nor offer to sell to a prospective owner a new home while the new home is being constructed or during the applicable protection period unless

- (a) the new home
 - (i) has the required home warranty coverage for the protection period or the balance of the protection period, as the case may be, or
 - (ii) does not have the required home warranty coverage but
 - (A) the person has been granted an exemption under subsection (3)(a) in respect of the new home, and
 - (B) the Registrar provides the person with written permission to sell or offer to sell the new home,
- and
- (b) the person provides the prospective owner with a disclosure notice, in a form satisfactory to the Registrar, that states whether the new home has the required home warranty coverage.

(2) A person may, in accordance with the regulations, if any, apply to the Registrar for an exemption from the requirement under subsection (1)(a)(i) in respect of a new home on the grounds that the person will suffer either of the following if the exemption is not granted:

- (a) undue hardship;
- (b) financial hardship.

(b) require a person who receives an exemption under this subsection to provide a prospective owner of the new home with a disclosure notice in respect of the exemption described in clause (a) in a form satisfactory to the Registrar.

(5) No sale of new home without warranty coverage or exemption; discharge of caveats.

- (3) On receiving an application under subsection (2), the Registrar must,
- (a) if satisfied that the application meets either of the grounds for an exemption, grant the exemption to the person who made the application and provide the person with a copy of the exemption, or
 - (b) if not satisfied that the application meets either of the grounds for an exemption, refuse to grant the exemption.
- (4) On granting an exemption under subsection (3)(a), the Registrar must, as soon as practicable, register a caveat against the certificate of title to the land on which the new home that is the subject of the exemption is located that provides notice that the new home does not have the required home warranty coverage unless
- (a) a caveat has been previously registered against the certificate of title in accordance with this subsection or section 3(1.2), and
 - (b) the previously registered caveat has not been discharged under section 3.02.
- (5) For the purpose of registering a caveat referred to in subsection (4) under the *Land Titles Act*, the Registrar is considered to have a claim to an interest in the land that is to be subject to the caveat.
- (6) Sections 136, 137 and 138 of the *Land Titles Act* do not apply to a caveat referred to in subsection (4).
- (7) Section 3.1(6) applies, with necessary modifications, to a caveat referred to in subsection (4).
- (8) A caveat referred to in subsection (4) may only be discharged in accordance with section 3.02.

Discharge of caveats

3.02(1) The Registrar may, on application under subsection (2) or on their own initiative, discharge a caveat referred to in section 3(1.2) or 3.01(4) only if the Registrar is satisfied that either of the following applies to the new home located on the land subject to the caveat:

- (a) the new home has the required home warranty coverage;
- (b) the protection period applicable to the new home has expired.

(2) A person may, in accordance with the regulations, if any, apply to the Registrar for a discharge of a caveat referred to in section 3(1.2) or 3.01(4).

(6) Section 3.1 is amended

(a) in subsection (2)

- (i) **by striking out** “A residential builder” **and substituting** “Subject to subsection (4), a residential builder”;
- (ii) **by striking out** “section 3(1)(a)(ii) and (b) and (2)” **and substituting** “sections 3(1) and 3.01(1)”;

(b) in subsection (3)

- (i) **by striking out** “A sole owner” **and substituting** “Subject to subsection (4), a sole owner”;
- (ii) **by striking out** “section 3(2)” **and substituting** “section 3.01(1)”;

(c) in subsection (6) by striking out “A caveat registered pursuant to” **and substituting** “A caveat referred to in”;

(d) in subsection (7) by striking out “a caveat registered under” **and substituting** “a caveat referred to in”;

(e) in subsection (8) by striking out “under” **and substituting** “as referred to in”;

(f) in subsection (10) by striking out “This” **and substituting** “Despite section 2, this”.

(7) Section 5(1) is amended

- (a) by striking out** “on application” **and substituting** “in accordance with the regulations, if any”;

(6) Section 3.1 presently reads in part:

(2) A residential builder of a multiple family dwelling built for rental purposes is exempt from the application of section 3(1)(a)(ii) and (b) and (2) in respect of the multiple family dwelling.

(3) A sole owner of a multiple family dwelling built for rental purposes is exempt from the application of section 3(2) in respect of the multiple family dwelling.

(6) A caveat registered pursuant to subsection (5)

(7) Sections 136, 137 and 138 of the Land Titles Act do not apply to a caveat registered under subsection (5).

(8) Where a caveat in respect of a rental use designation is registered under subsection (5), the land may not be

(10) This section applies only to multiple family dwellings constructed under a building permit applied for on or after August 1, 2014.

(7) Section 5(1) presently reads in part:

5(1) Subject to section 6, the Registrar may, on application, issue an authorization, subject to any terms and conditions the Registrar considers appropriate, to an owner builder if the owner builder

(b) **by adding** “in respect of a new home” **after** “to an owner builder”.

(8) Section 7(2) is amended by striking out “under the *Safety Codes Act*”.

(9) Section 8(5)(b) is amended by striking out “or owner” **and substituting** “, owner builder or owner”.

(10) The following is added after section 8:

Safety Code Council advice and recommendations

8.01(1) In this section, “Council” has the same meaning as in the *Safety Codes Act*.

(2) The Minister may request advice and recommendations from the Council on any matter to which this Act applies, including the following:

- (a) the building or construction of a new home;
- (b) the requirements applicable to a home warranty insurance contract;
- (c) the licensing requirements applicable to a residential builder.

(11) Section 12(3)(c) is amended by striking out “section 3(2) or (5)” **and substituting** “section 3.01(1)(b)”.

(8) Section 7(2) presently reads:

(2) If the Registrar suspends or cancels an authorization held by an owner builder to whom a building permit has been issued under the Safety Codes Act, the Registrar shall notify the permit issuer.

(9) Section 8(5)(b) presently reads:

(5) The Registrar

(b) may, on application by a residential builder or owner of a building or a proposed building that is subject to an exemption under this Act, provide notice that the building or proposed building is exempt from the application of this Act.

(10) Safety Code Council advice and recommendations.

(11) Section 12(3)(c) presently reads:

(3) Without limiting subsection (2)(a)(ii), a compliance order may specify any of the following requirements:

(c) that a person must provide to a prospective owner a copy of the disclosure notice referred to in section 3(2) or (5);

(12) Section 17(1)(d) is repealed and the following substituted:

- (d) whose application for an exemption under section 3.01(2) has been refused,
- (d.1) who is affected by any of the following decisions:
 - (i) the Registrar's refusal to provide the person with the written permission referred to in section 3.01(1)(a)(ii)(B) or 3.1(8);
 - (ii) the Registrar's determination that the exemption under section 3.1(2) or (3) does not apply to the person;
 - (iii) the Registrar's determination under section 8(5)(a) as to whether a building or a portion of a building, or a proposed building or a portion of a proposed building, is a new home to which this Act applies or is exempt from the application of this Act,

(13) Section 26(1)(d)(i) and (ii) are amended by striking out "statute" and substituting "Act".

(14) Section 28 is amended

(a) in subsection (1)

(i) by repealing clauses (a) and (b) and substituting the following:

- (a) prescribing, for the purpose of section 1(1)(m), a system or part of a system as a delivery and distribution system to which this Act applies;

(12) Section 17(1)(d) presently reads:

17(1) A person

- (d) whose application under section 3(5) for an exemption from section 3(2) on grounds of undue hardship has been refused,*

(13) Section 26(1)(d)(i) and (ii) presently reads:

26(1) Every person who

- (d) contravenes*
 - (i) this statute,*
 - (ii) a regulation made under this statute where the regulation specifies that it is an offence to contravene or fail to comply with the regulation,*

(14) Section 28 presently reads in part:

28(1) The Lieutenant Governor in Council may make regulations

- (a) providing, for the purpose of section 1(1)(m), that a system or part of a system is a delivery and distribution system to which this Act applies;*
- (b) providing, for the purpose of section 1(1)(s)(iii), that a class of buildings or portions of buildings is a class of new home to which this Act applies;*

(b) prescribing, for the purpose of section 1(1)(s)(iii), a class of buildings or portions of buildings as a class of new home to which this Act applies;

(ii) by adding the following after clause (g):

(g.1) respecting an application for an exemption under section 3.01(2);

(g.2) respecting an application for a discharge of a caveat under section 3.02(2);

(iii) in clause (h.2)(iv) by striking out “is covered by a home warranty insurance contract” and substituting “has the required home warranty insurance coverage”;

(b) in subsection (2)(e) by striking out “section 3.1(9)” and substituting “section 3.02(1) or 3.1(9)”.

(15) Section 30 is amended by striking out “statute” and substituting “Act”.

(16) This section comes into force on Proclamation.

Safety Codes Act

Amends RSA 2000 cS-1

4(1) The *Safety Codes Act* is amended by this section.

(2) Section 16(4) and (5) are repealed and the following is substituted:

(4) The persons appointed to the Council by the Board of Directors must include

(a) persons who are experts in fire protection, buildings, barrier-free building design, electrical systems, elevating devices, gas systems, plumbing systems, private sewage disposal systems or pressure equipment, and

- (h.2) respecting authorizations, including, without limitation, regulations*
- (iv) for the purposes of section 3(1.1), respecting circumstances in which the Registrar must not issue an authorization to build a new home unless the new home is covered by a home warranty insurance contract;*
- (2) The Minister may make regulations*
- (e) respecting the discharge by the Registrar of a caveat under section 3.1(9).*

(15) Section 30 presently reads:

30 This statute comes into force on Proclamation.

(16) Coming into force.

Safety Codes Act

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

(2) Section 16(4) and (5) presently read:

(4) The persons appointed to the Council by the Board of Directors must include persons who are experts in fire protection, buildings, barrier-free building design, electrical systems, elevating devices, gas systems, plumbing systems, private sewage disposal systems or pressure equipment.

(5) The Board of Directors shall ensure that representatives of municipalities, business, labour and persons with disabilities are appointed to the Council from among the persons described in subsection (4).

(b) persons who are experts in or have experience with new home warranty coverage under the *New Home Buyer Protection Act*.

(5) For the purpose of subsection (4), the Board of Directors shall ensure that

(a) representatives of municipalities, business, labour and persons with disabilities are appointed from among the persons described in subsection (4)(a), and

(b) representatives of builders, warranty providers, insurers and homeowners are appointed from among the persons described in subsection (4)(b) with respect to the Council's duty to provide advice and recommendations referred to in section 18(d.01).

(3) Section 18 is amended by adding the following after clause (d):

(d.01) shall provide advice and recommendations to the Minister responsible for the *New Home Buyer Protection Act* if a request is made under section 8.01 of that Act,

(4) This section comes into force on Proclamation.

(3) Section 18 presently reads in part:

18 The Council

(d) shall carry out any activities that the Minister directs,

(4) Coming into force.

RECORD OF DEBATE

Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To