

CHAPTER 92

BILL No. 47 An Act to Amend The Watershed Conservation Districts Act.

[Assented to May 6, 1963]

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

Sec. 2 amended. 1. Section 2 of The Watershed Conservation Districts Act, being chapter 70 of The Statutes of Manitoba, 1959 (Second Session), as amended by chapter 65 of The Statutes of Manitoba, 1961 (First Session), is further amended

(a) by adding thereto, immediately after clause (b) thereof, the following clause:

"committee,"

(b1) "committee" means the authority having duties and responsibilities in respect of a sub-district of the watershed conservation district and for the establishment of which provision is made in sections 3 and 5;

(b) by adding thereto, immediately after clause (e) thereof, the following clause:

"sub-district,"

(e1) "sub-district" means an administrative division of a watershed conservation district, the provisions for which are set out under sections 3 and 5 or under section 7, and as it may be altered or consolidated from time to time, as herein provided;

(c) by adding thereto, immediately after the word "district" where it appears for the second time in the second line of clause (f) thereof, the words "a sub-district or a proposed sub-district,";

and

(d) by adding thereto, immediately after the word "district" in the third line of clause (g) thereof, the words "a sub-district or proposed sub-district,".

Subsec. (1) of sec. 3 amended.

2. Subsection (1) of section 3 of the Act is amended

(a) by adding thereto, immediately after the word "districts" in the second line thereof, the words "and sub-districts";

and

(b) by adding thereto, immediately after the word "board" in the third line thereof, the words "and each sub-district, a committee".

Subsec. (2) of sec. 3 amended.

3. Subsection (2) of section 3 of the Act is amended

(a) by adding thereto, immediately after the word "district" in the first line thereof, the words "or sub-district";

(b) by adding thereto, immediately after the word "district" in the second line thereof, the words "or sub-district";

and

(c) by adding thereto, immediately after the word "district" in the last line thereof, the words "or sub-district".

Sec. 5 amended.

4. Section 5 of the Act, as amended by chapter 82 of the Statutes of Manitoba, 1960, is further amended

(a) by adding thereto, immediately after subsection (1) thereof, the following subsection:

Establishment
of sub-district.

(1A) The Lieutenant-Governor-in-Council may, on the recommendation of the commission, divide a district into sub-districts;

(b) by adding thereto, immediately after the word "district" in the first line of subsection (2) thereof, the words "or sub-district";

and

(c) by adding thereto, immediately after the word "district" in the first line of subsection (3) thereof, the words "or sub-district".

Sec. 6 amended.

5. Section 6 of the Act is amended

(a) by striking out the figure "(1)" in the first line thereof;

(b) by striking out the word "wards" in the first line of clause (b) thereof and substituting therefor the word "sub-districts";

(c) by striking out all the words immediately after the word "divided" in the second line of clause (b) thereof;

and

(d) by repealing subsection (2) thereof.

Sec. 7 amended.

6. Section 7 of the Act is amended

(a) by adding thereto, immediately after the word "district" in clause (a) of subsection (1) thereof, the words "or sub-district";

(b) by adding thereto, immediately after clause (b) of subsection (1) thereof, the following clause:

(b1) consolidate any two or more sub-districts, divide any sub-district into two or more sub-districts, or abolish any sub-district;

(c) by adding thereto, immediately after the word "district" in the first line of subsection (4) thereof, the words "or sub-district";

and

(d) by adding thereto, immediately after the word "district" in the second line of subsection (4) thereof, the words "or sub-district, as the case may be,".

Sec. 8 repealed
and substituted.

7. Section 8 of the Act is repealed and the following section is substituted therefor:

District board.

8. (1) there shall be a board for each district.

Members of
board.

(2) The board for a district shall consist of

(a) one member appointed from time to time by the Lieutenant-Governor-in-Council, who shall be the chairman of the board;

(b) the chairman of each sub-district committee; and

(c) if so determined by a resolution of a majority of all members appointed under clause (a) and clause (b), one additional member named in that resolution.

Sub-district committee.

(3) There shall be a committee for each sub-district consisting of two members appointed from time to time by the council of each area municipality included in a sub-district, only one of whom may be a member of a council of a municipality.

Chairman of sub-district committee.

(4) Members of a committee appointed under subsection (3) shall by agreement select a chairman who shall serve as such until his successor is appointed.

Appointment of members of sub-district committee.

(5) Following receipt of notice from the minister under subsection (3) of section 5, the council of an included municipality shall, by resolution, appoint two members to a sub-district committee, as provided in subsection (3).

Members to be resident ratepayers.

(6) Subject to subsection (11), no person, except a chairman of a district board, shall be appointed unless he is a resident of a district and a ratepayer in respect of lands in a district.

Notice of appointment to minister.

(7) The council of each included municipality shall, immediately after the appointment by it of any person as a member of a sub-district committee, advise the minister in writing of the name of the appointee.

Term of office of board members.

(8) Each member of a board shall hold office for such period as is fixed by the regulations and thereafter until his successor is appointed.

First committee.

(9) A council of an included municipality appointing members to a sub-district committee under this Act shall, in the case of the first committee, appoint

(a) one member for a term of one year,

(b) one member for a term of two years, and

(c) thereafter, one member each year for a term of two years.

Chairman of board to act as chairman of committee.

(10) Where the members of a sub-district committee appointed under this Act fail to appoint a chairman, the chairman of the district board shall convene a meeting, and act as chairman of the sub-district committee until a sub-district committee chairman is appointed.

Appointment by minister on failure of municipality.

(11) Where an included municipality fails to appoint any one or more of the members of the committee within sixty days after receipt of notice from the minister as provided in section 5, the minister, subject to subsection (6), may appoint one or more persons as members of the board to fill the vacancy or vacancies occurring by reason of the failure of the municipality to appoint as aforesaid.

Idem.

(12) Where the area of a municipality included in a district or sub-district is for any reason of such a restrictive nature as to limit the ability of the municipality to appoint the members required under subsection (5) and where the municipality has so indicated, the minister may, on the recommendation of the commission, appoint members who are not resident ratepayers within the district but who are resident ratepayers within the municipality so affected.

Chairman of more than one board.

(13) A person who is appointed chairman of a board shall be a member of the civil service of the province and may be appointed chairman or a member, or both, of any other board, or of the boards of all districts; and the person who is chairman of the board of maintenance trustees of one or more drainage maintenance districts under The Land Drainage Arrangement Act may be the chairman of the board of one or more districts under this Act.

Subsec. (5) of sec. 12 amended.

8. Subsection (5) of section 12 of the Act is amended by striking out the words "maintenace trustee" in the fourth line thereof and substituting therefor the words "maintenance trustees".

Sec. 14 amended.

9. Section 14 of the Act is amended by adding thereto, immediately after subsection (2) thereof, the following subsections:

Powers and duties of sub-district committee.

(2A) Subject to subsection (2), a sub-district committee may

(a) study the conservation requirements of a sub-district and make recommendations to the board in respect of projects to satisfy the requirements;

(b) promote and encourage proper land use and good-conservation practices within a sub-district;

(c) recommend and develop programs for the proper operation, maintenance and upkeep of water control and conservation works within a sub-district and within the jurisdiction and authority of a board;

(d) act as a liaison body between the councils of included municipalities and the board and its technical officers in matters affecting the implementation of schemes designed to achieve the aims and objectives of a board.

Sub-district committee to submit program to board for approval, etc.

(2B) A sub-district committee shall each year, prior to the 31st day of December, submit to a board through its member on that board, a program for the year next ensuing, for the development and maintenance of schemes or projects in a sub-district.

Approval.

(2C) A board to which a program is submitted under subsection (2B) may approve or disapprove all or part of the program.

Determination of costs.

(2D) Upon approval of the annual programs for the sub-districts and upon considering the needs and requirements for the maintenance and operation of a district, and subject to section 17, a board shall determine the cost of implementing the programs of the sub-districts and the cost of carrying out

the general operations of the board, and then fix the amounts to be levied by an included municipality in a sub-district.

Carrying out programs.

(2E) Annual programs for each sub-district approved by a board and the program for a district shall be carried out by the board through its agents and staff.

Sub-cl. (i) of cl. (g) of subsec. (1) of sec. 16 amended.

10. Sub-clause (i) of clause (g) of subsection (1) of section 16 is amended by adding thereto, immediately after the word "trees" in the first line thereof, the word "shrubs".

Sub-cl. (iii) of cl. (g) of subsec. (1) of sec. 16 repealed and substituted.

11. Sub-clause (iii) of clause (g) of subsection (1) of section 16 is repealed and the following sub-clause is substituted therefor:

(iii) the exclusion of animals from lands to prevent erosion or to maintain stability.

Sec. 17 amended.

12. Section 17 of the Act, as amended by chapter 65 of the Statutes of Manitoba, 1961 (First Session), is further amended

(a) by adding thereto, immediately after the word "district" in the fifth line of subsection (1) thereof, the words "and included sub-districts";

and

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

Basis of determining contributions.

(4) Upon the determination by a board of the amounts required under subsection (1) and subsection (3) the board shall then determine the amounts payable by a municipality as being

(a) in respect of a sub-district program, an amount which bears the same ratio to the total amount required for that sub-district program as the assessed value of the lands of the municipality included in that sub-district bears to the assessed value of all of the lands in the sub-district; and

(b) in respect of a district program, an amount which bears the same ratio to the total amount required for that district program as the assessed value of the lands of the municipality included in that district bears to the assessed value of all of the lands in the district.

Subsec. (3) of sec. 24 amended.

13. Subsection (3) of section 24 of the Act is amended by striking out the word "recipt" in the first line thereof and substituting therefor the word "receipt".

Commencement of Act.

14. This Act comes into force on the day it receives the royal assent.