

No. 93

4th Session, 13th Legislature, Alberta
6 Elizabeth II, 1958

BILL 93

A Bill to amend The Special Areas Act

HON. MR. HOOKE

Explanatory Note

2. (a) A reference to the proposed new power to tax businesses is substituted for a reference to the power to tax personal property.

(b) Provisions relating to tax requisitions are no longer required as they are already covered in The Improvement Districts Act which is applicable to special areas.

3. (a) Section 12 reads in part:

"12. The Minister is hereby empowered in respect of special areas generally or in respect of any specified area or areas,".

The powers set forth in section 12 may be exercised in respect of part of a special area.

(b) Clause (e) presently reads as follows:

"(e) to order and require any owner or occupant of lands to adopt such methods of farming or grazing, or farming and grazing, as are deemed necessary to prevent soil drifting or over-grazing or any hazard that might dissipate or nullify any assistance rendered to residents within the special area,"

4. Notice of orders given under section 12, clause (e) (see clause 3 of this Bill) must be given to owners or occupants of land affected. When the owner or occupant does not carry out the order, the Minister may, and may collect the cost of so doing from the owner or occupant.

BILL

No. 93 of 1958

An Act to amend The Special Areas Act

(Assented to _____, 1958)

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

1. *The Special Areas Act*, being chapter 317 of *The Revised Statutes of Alberta, 1955*, is hereby amended.

2. Section 7 is amended

- (a) as to clause (a) by striking out the words "and other property" wherever they occur and by substituting the words "or business",
- (b) by striking out clauses (b), (c) and (d).

3. Section 12 is amended

- (a) by striking out the words "or areas" and by substituting the words "or any part thereof",

- (b) by striking out clause (e) and by substituting the following:

"(e) to order and require any owner or occupant of lands to adopt such methods of farming or grazing, or farming and grazing, as are deemed necessary to prevent soil drifting, water erosion, over-grazing, or any hazard that might jeopardize the economic security of residents of the special area,".

4. The following new section is added immediately after section 12:

"12a. (1) A copy of any order made under clause (e) of section 12

"(a) shall be published in *The Alberta Gazette*,

"(b) shall be filed in the land titles office of the land registration district in which the land affected by the order is situate, and

"(c) shall be served upon the owner and occupant of any land affected by the order.

"(2) Upon the filing of a copy of the order the Regis-

5. Section 19, subsection (3) presently reads as follows:

"(3) All revenue derived from public lands of a class designated as school lands shall be payable to the General Revenue Fund of the Province."

See note to clause 6.

6. This amendment will place the special areas on a basis equivalent to other municipalities in respect of revenues from school land crop share leases, effective from January 1, 1955. With the repeal of section 19, subsection (3) (see clause 5) the special areas will receive all revenues from school lands' grazing leases.

7. Penalty section. Section 36 presently reads as follows:

"36. A person who contravenes any order or regulation made pursuant to this Act is guilty of an offence and liable on summary conviction to a fine of not more than one hundred dollars and in default of payment to imprisonment for not more than two months."

trar of Land Titles shall endorse a notification of the order upon the certificate of title of every parcel of land that is affected by the order.

“(3) Where the owner or occupant of any land affected by the order fails to comply with the terms of the order the Minister may carry out the terms of the order and the cost of so doing is payable on demand by the owner or occupant, as the case may be.

“(4) Any sum owing to the Crown by an owner or an occupant pursuant to subsection (3)

“(a) is recoverable by action, or

“(b) is recoverable by distress on the goods and chattels of the person or persons liable,

and any sum or part thereof that is not recovered by the fifteenth day of December next following the date the costs were incurred shall be added to and form part of the ordinary taxes levied against the parcel of land.”.

5. (1) Section 19 is amended by striking out subsection (3).

(2) This section shall be deemed to have been in force at all times on and after the first day of January, 1955.

6. (1) The following new section is added immediately after section 19.

“**19a.** The Minister shall pay to the General Revenue Fund of the Province all revenue derived from crop share cultivation leases granted on school lands except an amount equal to that which would be payable to the special areas in respect thereof if the special areas were municipalities within the meaning of *The Crown Cultivation Leases Act*.”.

(2) This section shall be deemed to have been in force at all times on and after the first day of January, 1955.

7. Section 36 is struck out and the following section is substituted:

“**36.** (1) A person who is required to comply with an order made pursuant to clause (e) of section 12 and who fails to comply with the order is guilty of an offence and liable on summary conviction to a fine of not more than twenty-five dollars for every day during which the offence continues.

“(2) A person who contravenes any provision of this Act or the orders or regulations hereunder for the contravention of which no penalty is specifically provided is guilty of an offence and liable on summary conviction to a fine of not more than one hundred dollars and in default of payment to a term of imprisonment for not more than two months.

“(3) All moneys accruing from fines or penalties under this Act belong to and form part of the general revenue of the special areas.”.

8. This Act comes into force on the day upon which it is assented to.

No. 93

FOURTH SESSION

THIRTEENTH LEGISLATURE

6 ELIZABETH II

1958

BILL

An Act to amend The Special Areas
Act

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. HOOKE
